PARL. PAPERS
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B I L L S,

PUBLIC:

SIX VOLUMES.

—(5.)—

OFFICE OF SPEAKER

TO

PURCHASERS' PROTECTION AGAINST JUDGMENTS.

Session

12 *December* 1854——14 *August* 1855.

VOL. V.

1854-5.

BILLS:

1854–5.

SIX VOLUMES:—CONTENTS OF THE

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A

BILL

TO

Provide for the Performance of certain Duties of the Speaker during his temporary Absence from the House of Commons.

WHEREAS the House of Commons have provided by their Standing Orders for the temporary Performance of certain Duties of the Speaker, during his unavoidable Absence, by a Deputy Speaker: And whereas Her Majesty had previously signified Her Consent that the House might do therein as they should think fit: And whereas certain Matters concerning the Office of Speaker are regulated by Statute, and the Validity of Acts done or Proceedings taken during the Absence of the Speaker may hereafter be questioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. If at any Time during a Session of Parliament the Speaker shall be temporarily absent from the House, and a Deputy Speaker shall thereupon perform the Duties and exercise the Authority of Speaker, pursuant to the Standing Orders or other Order or Resolution of that House, every Act done and Proceeding taken in or by the House, Validity of Acts done, &c. by Deputy Speaker.

House, pursuant to any Statute, shall be as valid and effectual as if the Speaker himself were in the Chair; and every Act done, and Warrant, Order, Certificate, Notice, or other Document issued, signed, or published, in relation to any Proceedings of the House of Commons, by such Deputy Speaker, whether in pursuance of any Statute or otherwise, shall have the same Effect and Validity as if the same had been done, issued, signed, or published by the Speaker for the Time being.

Deputy Speaker not to appoint to any Office.

II. Provided, That such Deputy Speaker shall not have Power to appoint to any Office, except for such Time as he shall continue to be Deputy Speaker.

Saving Rights.

III. Provided also, That nothing herein contained shall affect the Election of a Speaker, or the Forms thereof, or any Prerogative of Her Majesty concerned therein, or otherwise relating to the Office of Speaker.

Office of Speaker.

A

B I L L

To provide for the Performance of certain Duties of the Speaker during his Temporary Absence from the House of Commons.

(*Prepared and brought in by Mr. Walpole, Mr. Disraeli, and Sir William Heathcote.*)

Ordered, by The House of Commons, *to be Printed,* 20 *July* 1855.

[Bill 263.]

Under 1 *oz.*

Ordnance Board Bill.

ARRANGEMENT OF CLAUSES.

Powers and Authorities vested in the Principal Officers of the Ordnance transferred to the Principal Secretary of State for the War Department; Sect. 1.

Lands, &c. vested in said Principal Officers on behalf of Her Majesty transferred to and vested in the said Secretary of State; 2.

Contracts made and Proceedings taken by the said Principal Officers on behalf of Her Majesty to be deemed to have been made and taken and to be enforced and continued by the said Secretary of State; 3.

Powers of Bodies Politic and others to sell, &c. to Principal Officers continued in force in favour of the said Secretary of State; 4.

Mode of describing the said Principal Secretary in Deeds and other Instruments, and of executing same; 5.

A

BILL

FOR

Transferring to One of Her Majesty's Principal Secretaries of State the Powers and Estates vested in the Principal Officers of the Ordnance.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS by various Acts of Parliament, and particularly by an Act of the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Ninety-four, and by another Act of the Session of Parliament holden in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, Chapter Sixty-seven, various Powers and Authorities were given to or vested in and exerciseable by the Principal Officers of Her Majesty's Ordnance, and by the said Acts, and by or under divers Conveyances, Surrenders, Assignments, and Leases, or by some other Means, divers Lands, Hereditaments, Estates, and Property purchased, taken, used, and occupied for the Ordnance and Barrack Services throughout the United Kingdom before and at the Time of the Revocation by Her Majesty next herein-after mentioned, were vested in the said Principal Officers: And whereas Her Majesty hath thought fit to revoke the Letters Patent of some of the said Principal Officers, and by other Letters Patent to transfer to one of Her Majesty's Principal Secretaries of State the Administration of the Department the Duties of which were previously executed by the said

Preamble.

5 & 6 Vict. c. 94.

17 & 18 Vict. c. 67.

said Principal Officers of Her Majesty's Ordnance: And whereas it is expedient that the said several Powers and Authorities, and the said Lands, Hereditaments, Estates, and Property, and all Title, Estate, and Interest therein respectively, should be also transferred from the said Principal Officers, and vested in One of Her Majesty's Principal Secretaries of State: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

All the Powers and Authorities vested in the Principal Officers of the Ordnance shall henceforth be vested in and exercised by Her Majesty's Principal Secretary of State for the War Department.

I. All the Powers, Authorities, Rights, and Privileges whatsoever, which by virtue of the said recited Acts or either of them, or of any other Act or Acts of Parliament, or of any other Law, Custom, or Usage whatsoever have been or were at any Time vested in or exercised or exerciseable by the Principal Officers of Her Majesty's Ordnance, or any of them, shall from henceforth continue in full Force, and shall be and the same are hereby declared to be transferred to and vested in and exerciseable by Her Majesty's Principal Secretary of State for the Time being to whom Her Majesty shall think fit to intrust the Seals of the War Department.

All Lands, &c. vested in the Principal Officers vested in the Secretary of State for the War Department.

II. All Lands, Hereditaments, Estates, and Property whatsoever which by virtue of the said recited Acts or either of them, or of any other Act or Acts of Parliament, or of any Conveyance, Surrender, Lease, or other Assurance, or of any Law, Custom, or Usage whatsoever, before and at the Time of the Revocation by Her Majesty herein-before mentioned were vested in the Principal Officers of the Ordnance, on behalf of Her Majesty, shall from henceforth be and the same are hereby declared to be transferred to and vested in the last-mentioned Principal Secretary of State for the Time being, on behalf of Her said Majesty; and when and so often as the said last-mentioned Principal Secretary of State, and any succeeding Principal Secretary of State to whom Her Majesty shall have intrusted the Seals of the War Department, shall cease to hold such Office, the said several Lands, Hereditaments, Estates, and Property, and all Lands, Hereditaments, Estates, and Property which hereafter shall be purchased or otherwise acquired by any such last-mentioned Principal Secretary of State for the Time being, on behalf of Her said Majesty, shall by virtue of this Act be absolutely divested out of such Secretary of State so ceasing to hold such Office as aforesaid, and shall by virtue of this Act be transferred to and vested in his Successor in the said Office, immediately upon his receiving the Seals of the said Department, absolutely; and the said Lands, Hereditaments, Estates, and Property hereby vested and hereafter to be vested in the said last-mentioned Principal Secretary of State and his Successors shall, as to such of them as were or shall have been purchased, or are or shall be held for an Estate of Inheritance

in

in Fee Simple, be so vested in such last-mentioned Principal Secretary of State and his Successors in the same Manner as if the Fee Simple thereof had been originally conveyed to such Principal Secretary of State as a Corporation Sole and his Successors; and as to all Lands, Hereditaments, and Property purchased or held for any less Estate than an Estate of Inheritance in Fee Simple, as if the same Lands, Hereditaments, and Property had been originally conveyed, surrendered, demised, or otherwise assured to such the same Principal Secretary of State as a Corporation Sole, and his Successors, for all the existing Estates or Interests therein respectively, and so from Time to Time; nevertheless, with respect to all Lands or Hereditaments of Copyhold or Customary Tenure, the same shall, for the Purpose mentioned in the Eighth Section of the first-mentioned Act, (videlicet, the said Act of the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Ninety-four,) remain vested in or be surrendered to some Person to be approved of or named by the last-mentioned Principal Secretary of State for the Time being as Tenant thereof.

Contracts, &c. made by the Principal Officers relating to the Public Service to be enforced by such Secretary of State.

III. All Contracts, Covenants, and Agreements heretofore made or entered into by any Person or Persons whomsoever with the said Principal Officers of the Ordnance, or any Person or Persons on their Behalf, as to or concerning any Lands, Hereditaments, Estates, and Property vested in or agreed to be purchased by the said Principal Officers, or in anywise relating to the Public Service, shall be deemed and taken to have been made or entered into with such Principal Secretary of State as last aforesaid, and shall be executed and enforced by him in like Manner as if he had originally been Party thereto instead of the said Principal Officers of the Ordnance; and all Proceedings whatsoever which have been or might or may have been commenced, taken, or done in the Names of the said Principal Officers, on behalf of Her Majesty, shall and may hereafter be commenced, continued, taken, and done in the Name of such Principal Secretary of State as aforesaid, in like Manner (in the Case of Proceedings already commenced, taken, or done,) as if he had originally been Party thereto, instead of the said Principal Officers of the Ordnance.

Powers given by 10th and 18th Sections of 5 & 6 Vict. c. 94. to Bodies Corporate, &c. to sell to be applicable in the Case of the Secretary of State for the War Department.

IV. All Powers by the Tenth and Eighteenth Sections of the said first-mentioned Act given to Bodies Politic or Corporate, Feoffees or Trustees for charitable or other public Purposes, Tenants for Life and Tenants in Tail, Husbands, Guardians, Trustees, Committees, Curators, and Attornies, respectively therein mentioned, to contract and agree for the absolute Sale or Exchange of any Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Manors, Lands, Tenements, or Hereditaments, and for the Sale of any Reversion, and the Grant of any Lease, and to convey, surrender, demise, or grant

grant the same accordingly, shall continue in full Force, and hereafter may or shall be exercised or exerciseable, and be acted under or take effect, in favour or at the Instance of the last-mentioned Principal Secretary of State for the Time being, on behalf of Her said Majesty, and for the Public Service, in the same Manner and as effectually as the said Powers are in and by such first-mentioned Act given or created or made exerciseable in favour or at the Instance of the said Principal Officers for the Time being on behalf of Her said Majesty, or for the Public Service, and all Enactments, Directions, and Provisions in the said first-mentioned Act contained, for authorizing or making effectual all Contracts, Sales, Conveyances, Enfranchisements, Surrenders, Leases, Agreements, Matters, and Things made, executed, done, or performed in pursuance thereof, and otherwise for the Public Service, shall continue in full Force, and may or shall at all Times hereafter be by the last-mentioned Principal Secretary of State for the Time being acted on and take effect, and shall enure or take effect in favour of, and may be enforced by, such last-mentioned Principal Secretary and his Successors, on behalf of Her Majesty, and for the Public Service.

Such Secretary to be described in Conveyances, &c. as "Her Majesty's Principal Secretary of State for the War Department."

V. In every Contract, Conveyance, Surrender, Lease, or other Assurance of any Lands, Hereditaments, Estates, or Property, with unto, or by the last-mentioned Principal Secretary of State for the Time being, and in every other Deed or Instrument relating to any Lands, Hereditaments, Estates, or Property, or in anywise to the Public Service, to which the last-mentioned Principal Secretary of State for the Time being shall be or shall be intended to be a Party, it shall be sufficient to call or describe him by the Style or Title of "Her Majesty's Principal Secretary of State for the War Department," without naming him; and every such Contract, Conveyance, Surrender, Lease, Assurance, Deed, or Instrument may be executed by such last-mentioned Principal Secretary of State, or by any other of Her Majesty's Principal Secretaries of State for the Time being, by signing his Name thereto, and if the Instrument so executed be in the Form of a Deed, by setting or affixing a Seal thereto, and delivering the same as his Deed; and whenever any Contract, Conveyance, Surrender, Lease, Assurance, Deed, or Instrument shall be executed by any other Principal Secretary of State than the Principal Secretary of State for the War Department, the Principal Secretary of State so executing the same shall for that Time and on that Occasion, and for the Purposes thereof, be deemed to be the Principal Secretary of State for the War Department.

Ordnance Board.

A

BILL

For transferring to One of Her Majesty's Principal Secretaries of State the Powers and Estates vested in the Principal Officers of the Ordnance.

(*Prepared and brought in by Mr. Monsell, Viscount Palmerston, and Mr. Solicitor General.*)

Ordered, by The House of Commons, *to be Printed*, 22 *May* 1855.

[Bill 147.]

Under 1 *oz.*

26 *April* 1855. 18 VICT.

A

B I L L

TO

Amend the Laws relating to the Appointment and Payment of Superintending and Parish Constables, and to dispense with the Services of High Constables and Petty Constables in certain Cases.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS an Act was passed in the Sixth Year of the Reign of Her present Majesty, intituled "An Act for the "Appointment and Payment of Parish Constables:" And whereas a certain other Act was passed in the Eighth Year of the Reign of Her said Majesty, to extend the Powers of the first-mentioned Act: And whereas a certain other Act was passed in the Thirteenth Year of the Reign of Her said Majesty, to amend the first-mentioned Act: And whereas it is expedient that the Provisions of the said Acts should be consolidated and enlarged: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. All Proceedings under the said Acts or either of them, commenced before the *passing of this Act*, may be carried on under the said Parish Constables Acts, 6 Vict. c. 109.,

8 Vict. c. 52., and 13 Vict. c. 20. repealed.

said recited Acts; and all Appointments made under the said recited Acts shall continue in full Force, and all Salaries, Fees, and Allowances due and payable under the said recited Acts shall be paid and discharged, until any Appointments under this Act shall have been made as herein-after directed; and, subject as aforesaid, that the said recited Acts shall be and the same are hereby repealed.

Superintending Constables.

II. The Justices of the Peace in every County (not within the Exemptions herein-after mentioned) in England and Wales shall, at their General or Quarter Sessions of the Peace assembled, to be holden in the Month of *October* next after the passing of this Act, or at the next subsequent Session, and from Time to Time as Vacancies shall occur, appoint a Superintending Constable for every Petty Sessional Division within such County, who shall have the Superintendence of all Constables having charge of Lock-up Houses as herein-after provided, and also of all Parish Constables to be appointed by virtue of this Act in such Parishes, whether included in One and the same Petty Sessional Division or not, as shall be assigned to him by the said Justices, and shall perform such Duties, and shall receive such Salary and Allowances, and shall hold his Office for such Term and under such Regulations, as the said Justices shall from Time to Time order and direct: Provided always, that the Justices so assembled as aforesaid shall, if they see fit, where the Area of the Petty Sessional Division or the Amount of Population within it shall in their Opinion be too large to be controlled by One Superintending Constable, appoint not exceeding Two Superintending Constables for such Petty Sessional Division, or, where the Area or Population shall appear too small, One Superintending Constable for any Two Petty Sessional Divisions: Provided also, that if, after a Period of *Five* Years from the Time of the Appointment of Superintending Constables under the Provisions of this Act, the Justices in General or Quarter Sessions assembled shall be of opinion that any Chief Superintending and Superintending Constables are no longer necessary (Notice of their Intention to consider such Question having been given at the next preceding Sessions), they shall cause Notice to be given by the Clerk of the Peace, that from and after a certain Day to be named in such Notice, at the Discretion of the said Justices, the Services of such Superintending Constables will be discontinued, and all Salaries or other Allowances granted under the Provisions of this Act to any such Constables shall thenceforth cease and determine.

Power to appoint a Chief Superintending Constable.

III. The Justices of the Peace assembled as aforesaid shall, if they shall think fit, appoint One Person, to be called the Chief Superintending Constable for the County, who shall have the Direction and Control of all the Superintending and other Constables appointed by virtue of this

this Act, and shall receive such Salary and Allowances, and shall hold his Office for such Term and under such Regulations, as the said Justices shall from Time to Time order and direct: Provided always, that the Salary and Allowances of such Chief Superintending Constable shall in no Case exceed *double* the Amount of Salary and of the Value of the Allowances given to any One of the Superintending Constables appointed as herein-before directed.

Oath to be taken by Chief Superintending or Superintending Constable.

IV. Whenever any Appointment of a Chief Superintending or a Superintending Constable shall have been made by the Court of General or Quarter Session in manner aforesaid, the Justices present at such Court or at some Adjournment thereof shall cause to be administered to every Chief Superintending or Superintending Constable so appointed the following Oath; (that is to say,)

Form of Oath.

'I A. B. of C. do swear, That I will well and truly serve our Sovereign Lady the Queen in the Office of Chief Superintending [or Superintending] Constable for the County of D. until another Constable shall be appointed in my Stead, according to the best of my Skill and Knowledge. So help me GOD.'

Power of Dismissal and Suspension.

V. The Justices of the Peace assembled as aforesaid shall have Power to dismiss any Chief Superintending or Superintending Constable or Constable having the Charge of a Lock-up House; and during the Interval between the holding of General or Quarter Sessions the Justices of the Peace in Petty Session assembled may suspend any Superintending Constable or Constable having the Charge of a Lock-up House, acting for or within their Petty Sessional Division, and shall report their having so done to the next General or Quarter Session, who shall take such Report into consideration: Provided always, that during any such Suspension no Salary or Allowances shall be considered due and payable, except at the Discretion of the Justices in Quarter Session assembled: Provided also, that the said Justices in Petty Session shall have Power to make a temporary Appointment of another Constable to act pending the Supension aforesaid, and with such Salary and Allowances as they shall think fit, not exceeding in Amount and Value the Salary and Allowances of the Constable who has been suspended.

Provision in case of Dismissal.

Lock-up Houses to be provided.

VI. The Justices of the Peace in General or Quarter Session assembled shall, if they think fit, order that Lock-up Houses for the temporary Confinement of Persons taken into Custody by any Constable, or of others who may legally be placed there, shall be provided in such Places within their County as the said Justices shall think fit, and for that Purpose shall purchase and hold Lands and Tenements, or shall appropriate to that Purpose any Lands and Tenements belonging to the County which are not needed for the

Purpose to which they were applied before such Appropriation, or instead of providing new Lock-up Houses shall order that the Lock-up Houses, Strong Rooms, or Cages belonging to any Town or Body Corporate not having a separate Jurisdiction of the Peace, or to any Parish, Manor, or private Individual, be applied, with the Consent of the Owners thereof, for the Purpose of this Act, and, if necessary, be repaired, enlarged, or improved: Provided always, that Notice of the Intention to consider the Question of providing, enlarging, or improving any such Lock-up House shall be given by the Clerk of the Peace together with the Notice of holding the Session, and that no such Lock-up House shall be built or otherwise provided, enlarged, or improved except upon such Plan as shall be approved by One of Her Majesty's Principal Secretaries of State; provided also, that every Lock-up House already or hereafter to be provided by the Justices of any County shall be subject to the Inspection of the Inspectors of Prisons.

Justices may contract for temporary Confinement, in certain Cases, of Persons taken into Custody.

VII. The Justices of the Peace assembled as last aforesaid may agree and contract with the Justices of the Peace of any adjacent County, or of any City, Town, or Body Corporate having a separate Jurisdiction of the Peace, or with the Parochial Authorities of any other Town or Place not having a separate Jurisdiction, for the joint or separate Use of any Building for the temporary Confinement and for the Rate of Maintenance of Persons taken into Custody by any Constables, or under Remand by any Justice of the Peace of the County for Re-examination, upon such Terms as shall be mutually agreed upon by the aforesaid respective Justices of the Peace.

Charge of Lock-up Houses.

VIII. Whenever the said Justices shall have provided a Lock-up House under this Act or the Acts herein-before recited, they shall appoint a Constable to have the Charge thereof, and to be under the Control of such Superintending Constable as they may from Time to Time deem expedient, and fix the Salary and Allowances to be paid for the Discharge of the Duties to be performed by him: Provided always, that it shall be lawful for the Justices assembled as last aforesaid, if they shall see fit, to appoint the Superintending Constable to have Charge thereof.

Salaries to Chief Superintending and Superintending Constables and Expenses of Lock up Houses to be paid out of the County Rate.

IX. The Salaries and Allowances to the Chief Superintending and Superintending Constables so to be appointed as aforesaid, and also the Expenses incurred from Time to Time in providing them with Horses and Carts, Arms, Staves, Handcuffs, and other requisite Equipments, and the Expense of purchasing Land for building, or for building, hiring, enlarging, improving, repairing, furnishing, warming, and keeping up the several Lock-up Houses, and the Salaries and Allowances

Allowances to the Constables appointed to have Charge thereof, shall be defrayed out of the County Rates.

To issue Precepts to Overseers for Lists of Persons qualified to serve as Constables.

X. The Justices of each Petty Sessional Division in every County in England and Wales not within the Exemptions herein-after mentioned shall within the First *Fourteen* Days of February in every Year issue a Precept according to the Form No. 1. in the Schedule to this Act annexed, or to the like Effect, under the Hands of any Two of them, to the Overseers of every Parish within their several Divisions, and also to the Overseers of every Parish lying Part within and Part without such exempted Borough or Place, as herein-after mentioned, within the Division, requiring them to make out and return to their Clerk, before the *Twenty-fourth Day of March* in every Year, a List in Writing, according to the Form No. 2. in the Schedule to this Act annexed, or to the like Effect, of such a Number of Men within their respective Parishes qualified and liable, as herein-after provided, to serve as Constables, as the Justices in such Precept shall require, and also to perform all other Requisitions in the said Precept contained: Provided always, that when any Union of Parishes shall have been ordered as herein-after mentioned, such Precept shall be directed to the Overseers of the Parish to which any other Parish or Parishes may have been annexed by the Description of "the Parish of with the Parishes of and annexed," or, in the Case of Extra-parochial Places, to some Inhabitant or Inhabitants thereof, and no such Precept shall be issued to the Overseers of the Parish or Parishes annexed thereto.

Justices to hold Special Petty Session for appointing Constables.

XI. On some Day after the *Twenty-fourth Day of March* and before the *Twenty-fourth Day of April* in every Year the said Justices shall hold a Special Petty Session of the Peace in their several Divisions for the Appointment of Parish Constables, of which Session due Notice shall be given, by Post or otherwise, by the Clerk to the Justices, to every Justice usually acting in that Division, and which Special Petty Session the said Justices shall have Power from Time to Time to adjourn.

Overseers to make out Lists.

XII. The Overseers of every Parish, upon the Receipt of such Precept, shall summon a Vestry within *Fourteen* Days after the Receipt of the Precept aforesaid, and shall submit to the Vestry at such Meeting the List so directed to be made out by them in manner aforesaid of such Number of Men as shall be named in the Precept residing within their Parish, who shall be qualified and liable, as herein-after provided, to serve as Constables, and also the Names of any Men willing to serve the Office of Constable, although not residing within the Parish nor having the requisite Qualification, with

the Christian Name and Surname, and Place of Abode, Calling, or Business of each, written at full Length; and the Overseers of every Parish to which any other Parish or Parishes shall be annexed shall give due Notice of such Vestry on or near the Church Doors of the several Parishes, or, in the Case of Extra-parochial Places, or Places in which there shall be no Church, on the Door of some public Place therein; and the Vestry at such Meeting shall agree to a List to be returned in answer to the said Precept, which List shall be signed by the Chairman: Provided always, that if there be no List returned by the Vestry the Overseers shall themselves agree to and sign a List to be returned to the Clerk to the Justices in answer to their Precept.

Head Constable.

XIII. At every Vestry so to be held as aforesaid the Chairman presiding thereat shall, if required by the said Precept, or if desired by the Vestry, annex to the Return the Name of One Person (included in such List) who, in the Opinion of the said Vestry, is best qualified to be the Head Constable, and such Person, if approved of and so appointed by the said Justices, shall be called the Head Constable of the said Parish.

Small Parishes and Extra-parochial Places may be annexed to any adjoining Parish.

XIV. It shall be lawful for the Justices, at a Special Petty Session of the Peace to be holden for that Purpose at any convenient Time in the Month of *January* in every Year, before the issuing of such Precept as aforesaid, (of which last-mentioned Session due Notice shall be given, by Post or otherwise, by the Clerk to the Justices, to every Justice usually acting within the Division, and also to the Overseers of the Parishes proposed to be annexed, and in the Case of Extra-parochial Places to some Inhabitant or Inhabitants thereof,) to make an Order for annexing, with their Consent, on such Terms and for such Time as shall be agreed upon by the respective Parishes, any Parish or Parishes, or Parts of Parishes wholly detached from the Body of such Parishes, to any Parish adjoining to or near them, or either of them, or for the annexing of any Extra-parochial Places to any Parish adjoining thereto, for the Purposes of this Act; and the Application for such Order shall be made at the said Special Sessions, by some One or more of the Overseers of each of such Parishes so proposed to be united as aforesaid; and the Consent of the Inhabitants of such Parishes thereto, and the Terms upon which the same shall have been agreed to, as well as the Time during which it is intended that the same shall continue, if it be proposed to limit the same, shall be signified by the Production of the Minute Book of each of such Parishes containing a Resolution passed at a Vestry Meeting duly convened and held for the Purpose, setting forth such Consent, Terms, and Time, and the said Order when made shall take effect from

from the next annual Day of appointing Constables; and as to any Extra-parochial Place intended to be annexed to any such Parish or Parishes, the Inhabitants of such Place shall signify their Consent to such Annexation through the Party or Parties to whom the Precept has been delivered, and a Copy of such Order shall be served on the Overseers of every Parish so united, and also on the Overseers of such adjoining Parish, and on some Inhabitant or Inhabitants of every such Extra-parochial Place so annexed, with the Precept herein-before mentioned; and every such Parish or Part of Parish or Extra-parochial Place so annexed to any adjoining Parish shall thenceforward be deemed for all the Purposes of this Act to be a Part of such Parish so adjoining or near as aforesaid, and the Inhabitants thereof shall be entitled to attend and vote, for the Purposes of this Act, at any Meeting in Vestry of the Parish to which such Parish is annexed, as fully as if they were Inhabitants of the Parish where such Meeting is holden: Provided always, that where no Time shall have been fixed for the Duration of the Contract for Annexation as aforesaid it shall be held to subsist for a Period of not less than *Three* Years.

Qualification of Constables.

XV. Every able-bodied Man between the Ages of *Twenty-one* Years and *Fifty* Years resident within any such Parish, and occupying a House in respect whereof either he or his Landlord is rated to the Relief of the Poor at the net Value of *Four Pounds* or upwards, or resident within any Extra-parochial Place, and occupying a House of the like Value of *Four Pounds* or upwards, except such Persons as shall be exempt or disqualified as herein-after mentioned, shall be qualified and liable to serve as Constable of that Parish, and of any other Parish or Extra-parochial Place united to such first-mentioned Parish under any Order herein-before directed and authorized.

Exemptions.

XVI. All Peers; all Members returned to serve in the Commons House of Parliament; all Judges of Her Majesty's Courts of Record at Westminster, or Judges or Commissioners of any of Her Majesty's Courts and of any Court of Record; all Justices of the Peace; all Deputy Lieutenants; all Clergymen in Holy Orders; all Priests of the Roman Catholic Faith who shall have duly taken and subscribed the Oaths and Declarations required by Law; all Persons who shall teach or preach in any Congregation of Protestant Dissenters whose Place of Meeting is duly registered, and who shall follow no secular Occupation except that of a Schoolmaster, producing, if required, to the Justices in Special Petty Session, as herein-after mentioned, a Certificate of some Justice of the Peace of their having taken the Oaths and subscribed the Declaration required by Law; all Schoolmasters; all Serjeants and Barristers at Law, actually practising; all Members of the Society of Doctors of Law and Advocates of the Civil Law, actually

practising; all Attornies, Solicitors, and Proctors duly admitted in any Court of Law or Equity or of Ecclesiastical or Admiralty Jurisdiction in which Attornies, Solicitors, and Proctors have usually been admitted, actually practising, and having duly taken out their annual Certificates; all Officers of any such Courts actually exercising the Duties of their respective Offices; all Conveyancers and Special Pleaders below the Bar, actually practising; all Coroners, Gaolers, and Keepers and Officers of Gaols and of Houses of Correction and Public Lunatic Asylums; all Members and Licentiates of the Royal College of Physicians in London, actually practising; all Surgeons, being Members of One of the Royal Colleges of Surgeons in London, Edinburgh, or Dublin, and actually practising; all Apothecaries, having obtained a Certificate to practise as an Apothecary from the Master, Wardens, and Society of Apothecaries of the City of London, and actually practising; all Officers in Her Majesty's Navy or Army on Full Pay; all Persons enrolled and serving in any Corps under Officers having Commissions from Her Majesty or Lieutenants of Counties or others specially authorized by Her Majesty for that Purpose; all Pilots licensed by the Trinity House of Deptford Strond, Kingston-upon-Hull, or Newcastle-upon-Tyne; and all Masters of Vessels in the Buoy or Light Service employed by either of those Corporations; and all Pilots licensed by the Lord Warden of the Cinque Ports, or under any Act of Parliament or Charter for the Regulation of Pilots in any other Port; all the Household Servants of Her Majesty; all Officers of Customs and of Inland Revenue; all Postmasters and Persons employed in the Business of the Post Office; all High Constables, and all Chief Superintending and Superintending Constables; the Clerks of all Boards of Guardians of the Poor established under the Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales; the Masters and Officers of all Union Workhouses; all County or District Constables; all Parish Clerks; all Registrars and Superintendent Registrars of Births, Deaths, and Marriages; all Churchwardens, Overseers, and Relieving Officers, shall be freed and exempt from serving the Office of Constable under this Act.

Disqualifications.

XVII. All Licensed Victuallers, and Persons licensed to deal in any exciseable Liquors, or to sell Beer or Cider by Retail, all Gamekeepers, and all Persons who have been attainted of any Treason or Felony, or convicted of any infamous Crime, shall be disqualified from serving the Office of Constable under this Act.

Publication of Lists.

XVIII. The Overseers of each Parish, except of Parishes annexed to another Parish, shall make out true Copies of the List so agreed to in Vestry, or, where no List was agreed to, prepared by themselves,

selves; and where any of the Persons named in the said List shall have been chosen to serve and shall have served the Office of Constable in the said Parish, in Person or by Substitute, the Overseers shall set against his Name in the List the Date of the Year of such Service, and shall on or before the *First Sunday* in the Month of *March* in each Year fix a true Copy of such List upon or near to the principal Door of every Church, Chapel, and other public Place of Religious Worship within their Parish, or in the Case of Extra-parochial Places, or Places in which there shall be no Church, on the Door of some public Place therein, having first subjoined to every such Copy a Notice stating that all Objections to the List will be heard by the Justices of the Peace at a Time and Place to be mentioned in such Notice, and having also signed their Names at the Foot of such Copy, and shall likewise keep the original List, or a true Copy thereof, to be perused by any of the Inhabitants of their Parish at any reasonable Time during the First *Three* Weeks of the Month of *March* in every Year, without any Fee or Reward, and on or before the Day limited for making their Return shall sign and return the original List to the Clerk to the Justices, as required by the Precept.

Penalty on Overseers on Neglect of Duty.

XIX. Every Overseer who shall neglect to summon a Vestry within the Time before mentioned for the Purposes of making out the List in pursuance of the Precept before mentioned, or who shall neglect or refuse to sign and return such List, or to make out, sign, and publish such true Copies as aforesaid, or who shall knowingly leave out the Name of any Person who ought to be included therein, or who shall knowingly return the Name of any Person disqualified as herein-before mentioned, or who shall knowingly make a false Return of any Particular which ought to be comprised therein, or who shall omit or neglect to keep such List or a true Copy thereof, or shall hinder any Inhabitant from perusing the same during the First *Three* Weeks in the Month of *March* in any Year, without Fee or Reward, or who shall neglect or refuse to attend the Special Petty Session next herein-after mentioned, and produce thereat such List, whether the same shall or shall not have been submitted to the Vestry, or to verify the said List, or to answer on Oath any such Questions as shall then and there be put to him, or who shall neglect to affix the List of Constables appointed for his Parish as herein-before directed on the Door of the Church within *Eight* Days after receiving it from the Clerk to the Justices, shall, upon Conviction thereof before Two Justices of Peace, forfeit and pay for every such Offence a Sum not exceeding *Forty Shillings*.

Overseers to attend Special Sessions.

XX. The Overseers of every Parish, except of Parishes annexed to another Parish, shall attend the Special Petty Session holden for

the allowing of such Lists so returned, and shall then and there verify the List so returned by them, and shall answer on Oath such Questions touching the same as shall be put to them or any of them by the Justices then present; and if any Man not qualified and liable to serve as Constable as aforesaid is inserted in any such List, it shall be lawful for the said Justices, upon being satisfied by the Oath of the Party complaining or upon other Proof, or upon their own Knowledge, that he his not qualified and liable to serve as Constable, to strike is Name out of such List, and also to strike thereout the Names of Men disabled by Imbecility of Mind or by Infirmity of Body from serving as Constable; and when every such List shall be duly corrected at such Session or at any Adjournment thereof, it shall be allowed and signed by the Justices present, or any Two of them; and such Verification and Allowance, as well as the Number of Constables appointed as herein-after provided, shall be indorsed upon such List, which shall be kept by the Clerk to the Justices.

Vestry may resolve to have paid Constables.

XXI. It shall be lawful for the Vestry assembled for the Purpose of making such Returns as aforesaid to resolve upon having One or more paid Constables for their Parish, and to fix the Amount of Salary, and in the Case of Parishes annexed as herein-before provided to proportion the Amount of Salary to be paid by each, and in such Case a Copy of the Resolutions, together with the Names of the Person or Persons proposed to be paid, shall be sent by the Overseers to the Justices with such Return: Provided always, that due Notice of the Intention to take such Payment into consideration shall have been given in the Notice convening such Vestry.

Justices to appoint paid Constables.

XXII. The Justices at any Petty Session of the Peace, upon receiving from any Parish a Copy of such Resolutions, shall appoint so many paid Constables to act for that Parish as shall be agreed to by the Resolution, or if the same Resolution shall have been agreed to by more Parishes than One adjoining or near each other, or any Parishes to which any Extra-parochial Place shall have been annexed as aforesaid, may, if they shall think fit, appoint the same paid Constable or Constables to act conjointly for all such last-mentioned Parishes; and in every Parish in which a paid Constable shall be appointed under this Act the Justices, if they shall think fit, need not appoint any unpaid Constable, or may appoint a smaller Number of unpaid Constables than they had otherwise resolved on appointing for that Parish; and such Appointment shall be in the Form No. 3. in the Schedule hereunto annexed, or to the like Effect; and every paid Constable shall hold his Appointment until he shall resign, or be dismissed by the Justices of the Division in Petty Session

Session assembled, as herein-after provided, or until the Vestry of the Parish, or of the Majority of the Parishes in case of joint Appointment, shall rescind the aforesaid Resolutions for the Payment of such Salary at any Meeting of Vestry holden for making such Return as aforesaid, and shall send a Copy of such rescinding Resolution to the Clerk to the Justices with such Return.

Parish Vestry may determine upon having paid Constables.

XXIII. Provided also, That it shall be lawful for a Parish Vestry, at any Time during the Year, upon due Notice being given, to resolve upon having One or more paid Constables for their Parish.

Salary to be paid out of Poor Rate.

XXIV. The Amount of the Salary to every such paid Constable shall be paid out of the Poor Rate for such Parishes respectively, and the Overseers of the Poor shall and they are hereby authorized to pay the same thereout from Time to Time accordingly; and in Cases of Parishes annexed to other Parishes such Salary shall be paid by the Overseers of the several Parishes in such Proportions as shall have been fixed in Vestry in manner aforesaid: Provided always, that the Proportion of this and such like Charges as by this Act may be imposed on united Parishes, to be paid by an Extra-parochial Place annexed to any Parish, shall be raised by a Rate to be made in the Manner directed by the Acts relating to County Rates to be made in Extra-parochial Places.

Constables guilty of Neglect of Duty liable to a Penalty of 5*l.*

XXV. Every paid Constable who shall be guilty of any Neglect or Breach of Duty in his Office of Constable shall be liable to a Penalty not exceeding *Five Pounds*, the Amount of which Penalty may be deducted from any Salary due to such Offender, or, in the Discretion of the Magistrate before whom such Offender shall have been convicted, such Offender may be imprisoned in the Gaol or House of Correction for the County or Place in which such Offence has been committed, with or without Hard Labour, for any Time not exceeding *One Calendar Month*: Provided always, that the Justices in Petty Session assembled shall likewise have Power for any Misconduct or Breach of Duty to dismiss any such Constables acting within their Divisions.

Provision in case of Vacancy.

XXVI. In case of the Death, or Resignation, or Dismissal of any paid Constable at any Time, it shall be lawful for the Justices of the Division in Petty Session assembled forthwith to appoint another paid Constable in his Place at the same Rate of Salary; and in case of the Death or Disqualification or in the Case of the Discharge of any unpaid Constable during his Year of Office, of which the Overseers are hereby required forthwith to give Notice to the Clerk to the Justices of the Division, or in case any Person who shall

have been chosen Constable shall refuse or neglect to attend and be sworn, or to find an approved Substitute, as herein-after provided, to be appointed and sworn in his Stead, according to the Form No. 4. in the Schedule hereunto annexed, or to the like Effect, and shall have been fined for such Refusal or Neglect, as herein-after provided, some Person or Persons then on the List so allowed as aforesaid, and who shall not have become disqualified or exempt, shall be, at the next or the subsequent Petty Session of the Peace for the Division, appointed and sworn to act for the Remainder of the Year; and in case the Constable making the Vacancy was serving as Substitute for some other Person, the Justices shall summon the Person originally chosen to attend and be sworn, or to find another approved Substitute to serve for the Remainder of the Year; or if the Person originally chosen shall be then disqualified, or shall have refused or neglected as aforesaid to attend and be sworn, or to find a Substitute, the Justices at such Session shall choose another qualified Person out of the allowed List aforesaid to serve the Office of Constable during the Remainder of the Year, and shall appoint him as in manner aforesaid; and the Person so chosen shall be bound in like Manner and subject to the same Penalty to attend and be sworn, or to find a Substitute to be sworn in his Stead to serve for the Remainder of the Year.

Justices to select Constables.

XXVII. From any List which shall have been so returned by the Overseers in manner aforesaid the Justices present at such Special Petty Session or at any Adjournment thereof, or any Two of them, shall proceed to select the Head Constable (if any) and so many other Persons as they shall deem necessary (having regard to the Extent and Population of the Parish) as Constables of the Parish during the Year next ensuing, and until other Constables shall be appointed in their Stead: Provided always, that where any Person shall have served the Office of Constable, either in Person or by Substitute, as herein-after provided, he shall not be liable to be again selected until every other Person in the Parish qualified and liable to serve shall have also served the Office of Constable, either in Person or by Substitute.

Justices to appoint Constables.

XVIII. The said Justices or any Two of them shall cause the Person so selected to be summoned, according to the Form No. 5. in the Schedule hereunto annexed, or to the like Effect, to appear before them on a Day to be fixed by such Justices, and shall then and there proceed to appoint such Persons, according to the Form No. 6. in the Schedule hereunto annexed, or to the like Effect, as Constables; and the same Justices, or, should they not be present on the Day fixed, then any Two Justices present, shall cause to be administered

administered to every such Person the following Oath; (that is to say,)

'I A.B. of C. do swear, That I will well and truly serve our Sovereign Lady the Queen in the Office of Constable for the Parish of D. [with the Parish of and annexed] for the Year now next ensuing, and until another Constable shall be sworn in my Stead, according to the best of my Skill and Knowledge. So help me GOD.' Form of Oath.

And shall cause a Certificate of such Appointment, signed by the Clerk to the Justices, to be given to each Constable so appointed and sworn: Provided always, that if any qualified Person, selected as aforesaid, shall be unwilling to serve the Office of Constable in Person, and shall find a Substitute, whether qualified or otherwise, to be approved by the Justices, and willing to serve for him, the Person so selected and unwilling to serve shall attend with his proposed Substitute at the Time and Place appointed for swearing in Constables, and the Justices, if they shall approve of such Substitute, shall appoint him, and cause the Oath to be administered to him, instead of the Person so selected and unwilling to serve.

Penalty for refusing to act or find a Substitute.

XXIX. Every Person who shall have been selected by the Justices to serve the Office of Constable, and shall have been duly summoned to be appointed to the said Office, and who, without reasonable Cause, to be allowed by the said Justices, shall neglect to attend, or being present shall refuse to be sworn as Constable, or to find a Substitute to be approved by the said Justices, or having been sworn shall refuse to act, shall upon Conviction thereof before Two Justices forfeit and pay any Sum not exceeding *Ten Pounds*.

Publication of Lists after Appointment is made.

XXX. Within *Fourteen* Days after the Appointment of such Constables in the Manner aforesaid, the Clerk to the Justices shall send to every Justice usually acting within the Division, and to the Chief Superintending and to the Superintending Constable of the Division, and also to the Clerk of the Peace, a List containing the Names of all Constables so appointed in the Division, and the Parishes for which they have been appointed, and shall also send, by Post or otherwise, to the Overseers of the Poor, and to the Clerk to the Board of Guardians, a List of the Names of the Constables appointed in their respective Parishes, and such Overseers shall affix the same to or near to the principal Door of their respective Parish Churches within *Eight* Days after receiving the same.

Constables having Charge of Lock-up Houses and

XXXI. Constables having Charge of Lock-up Houses as aforesaid shall be under the Control of such Superintending Constable as the Justices in General or Quarter Sessions assembled shall have appointed,

Parish Constables to be under Superintendence of Superintending Constables.

and all Parish Constables shall be under the Superintendence of the Superintending Constable to whom their Parish or Parishes shall have been respectively assigned, as herein-before provided; and any such Constable refusing or neglecting, on quitting Office, to deliver up to him any Staff, Handcuffs, or other Arms he may have received, shall upon Conviction thereof before Two Justices forfeit and pay any Sum not exceeding *Twenty Shillings*, over and above the Value of the Articles so detained.

Powers and Immunities of Constables.

XXXII. Every Chief Superintending and Superintending Constable, and all other Constables to be appointed by this Act, shall have within the whole County, and also within all Liberties and Franchises and detached Parts of other Counties situated therein, and also in every County adjoining to the County for which they are appointed, all the Powers, Privileges, and Immunities, and shall be liable to all the Duties and Responsibilities, and shall have all the Protections and Indemnities of a Constable or Borsholder within his County, Hundred, or other Jurisdiction; but no Parish Constable shall be bound to act as a Constable beyond the Parish for which he is appointed and sworn, without the special Warrant of a Justice of the Peace.

Act to extend to Liberties having a separate Commission of the Peace.

XXXIII. The Powers and Provisions of this Act, so far as relate to Parish Constables and the Appointment of Parish Constables, shall extend to (and shall be deemed to comprise) all Liberties in England and Wales having a separate Commission of the Peace, and not being incorporated Boroughs, including the Liberties of the Cinque Ports, and to the Parishes comprised in such Liberties, and to Parishes lying Part within and Part without any such incorporated Borough, so far as relates to the Part without; and the said Powers and Provisions shall be exercised by the Justices of the Peace of and having Jurisdiction and acting in the said Liberties or the several Divisions thereof for which Petty Sessions are held, or in the Division of the County or Liberty in which such Part without as aforesaid shall lie, in like Manner as the same Powers and Provisions are by this Act to be exercised by Justices of the Peace of every County in England and Wales in their several Divisions.

Constables not to be appointed at Courts Leet.

XXXIV. After the passing of this Act, no Constable shall be appointed or sworn in or for any Hundred, Parish, or Place to which this Act shall apply at any Court Leet or Torn.

Act not to apply to City of London, the Metropolitan Police District, or

XXXV. Nothing herein contained shall be taken to prevent the Appointment of Special Constables, and nothing herein-before contained shall be taken to apply to the City of London or the Metropolitan Police District, nor to any County or Part of a County which

any Borough or Place within the Provisions of 2 & 3 Vict. c. 93., 3 & 4 Vict. c. 88., 5 & 6 W. 4. c. 76., and 3 & 4 W. 4. c. 90.

which is or shall hereafter be within the Provisions of an Act passed in the Second and Third Year of Her present Majesty, intituled "An Act for establishing County and District Constables," and another Act passed in the Third and Fourth Year of Her present Majesty, intituled "An Act to amend an Act for "establishing County and District Constables," so long as such County or Part of a County shal lcontinue to be within the Provisions of the said last-recited Act, nor to any Borough which is within the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty, intituled "An Act to provide for the Regulation of "Municipal Corporations in England and Wales," or of any Charter granted in pursuance of that Act, or of any Act made for the Amendment thereof, or to any Parish, Town, or Place in which Rates are or shall be levied for the Payment of Constables under the Provisions of an Act passed in the Fourth Year of the Reign of His late Majesty, making Provision for the lighting and watching of Parishes in England and Wales, or of any Local Act specially applying to such Parish, Town, or Place, or to any Borough of which the High Constable shall be the Returning Officer of such Borough; and nothing herein-before contained shall be taken to apply to the County Palatine of Chester; but in case any Parish shall lie Part within and Part without such exempted Borough, Parish, or Place, then and in such Case the Exemptions hereby provided shall extend only to those Men residing within that Part of the Parish which is within such exempted Borough or Place, or being included in any List to be made out under the said Act, and to disqualify the Inhabitants of such Part only from voting at any Vestry to be held under the Provisions of this Act.

Exempting Metropolitan Police District from Payments under this Act.

XXXVI. The Justices in General or Quarter Sessions assembled shall in each Year, at the Time of making up their Accounts for the Year, ascertain what Proportion any Expenses that have been incurred during the preceding Year under *this Act shall bear to the gross Amount of the County Rate expended within the same Period, and also what Proportion of the said County Rate has been levied within the Metropolitan Police District, and shall repay to each Parish within the said Metropolitan Police District such Proportion of the Sums so levied as they shall ascertain to be a like Proportion of the Sums expended under this Act out of the County Rate.

Provision for Parishes acting under 4 W. 4. c. 90. s. 15. to abandon the same.

XXXVII. And whereas by an Act passed in the Fourth Year of the Reign of William the Fourth, Chapter Ninety, by Section Fifteen it is provided, that it shall be lawful for the Inhabitants of any Parish adopting the Provisions of that Act, present at any Meeting called in manner therein directed, at any Time after the Expiration of Three

Years from the Time when the Provisions of that Act should have been adopted, to determine that the Provisions of that Act should, from and after a Day to be fixed upon at such Meeting, cease to be acted upon, in which Case from and after such last-mentioned Day the Provisions of that Act should no longer be in force in such Parish; and by Section Sixty-one it is enacted, that it should be lawful for the Inspectors appointed by any Parish adopting the Provisions of that Act to unite with the Inspectors of any adjoining Parish or Parishes for the better carrying into effect the Purposes of that Act: Be it enacted, That it shall be lawful for the Inhabitants of any Parish or Place who shall have adopted or shall adopt, either alone or in union with any adjoining Parish or Parishes, the Provisions of the said recited Act or any of them, present at any Meeting called in manner in the said recited Act directed, at any Time, either before or after the Expiration of Three Years from the Time when the Provisions of the said recited Act shall have been adopted, to determine that the Provisions of the said recited Acts shall as to watching from and after a Day to be fixed upon at such Meeting cease to be acted upon, in which Case from and after such last-mentioned Day the Provisions of the said recited Act shall as to watching no longer be in force in such Parish or Place, and thereupon the Provisions of this Act shall come into operation in such Parish or Place, as fully and effectually as if the said first-recited Act had never been adopted in such Parish or Place; and all Persons who are by this Act required or authorized to carry into effect the Provisions thereof shall forthwith and in due Course carry the same into effect, although it may be impracticable for the First Year to carry the same into effect within the Periods named by this Act.

Alehouse Precepts, Service of.

XXXVIII. In every County or Part of any County within the Provisions of this Act, all Precepts directed to and all Duties required to be performed by High Constables, Petty Constables, or other Peace Officers, for regulating and granting of Licences to Keepers of Inns, Alehouses, and Victualling Houses in England, shall and may be directed to and performed by the Head Constable in each Parish, if so appointed as aforesaid, and if no Head Constable is appointed then by One Parish Constable in each Parish, who shall be entitled to receive the same Fee for the Services to be rendered by him as is directed to be paid to the High Constable, Petty Constable, or other Peace Officer under the Act of the Ninth Year of the Reign of King George the Fourth, Chapter Sixty-one.

Overseers Precepts, Service of.

XXXIX. All Precepts for the Return of the Lists of Overseers shall be sent, by Post or otherwise, by the Clerk to the Justices in and for their respective Petty Sessional Divisions, and shall be directed to

to the acting Overseer for the Time being of each Parish, Township, or Precinct; and no High Constable or Petty Constable shall be required in future to serve any Warrant or institute any Proceedings for the Appointment of Overseers.

Land and Assessed Taxes, Property and Income Tax Precepts, Service of.

XL. All Precepts for the Returns of Assessors and Collectors under the several Statutes now in force for the Appointment of Assessors and Collectors, and all the several Duties heretofore performed by High Constables and Petty Constables under the Statutes now in force for the Collection and Management of the Land Tax, Assessed Taxes, and Property and Income Tax, shall and may be directed to and performed by the Superintending Constable of the Division, or by the Head Constable in each Parish, or by any Parish Constable in such Parish appointed under this Act, or by the Act of the Ninth Year of the Reign of King George the Fourth, Chapter Sixty-one.

Jury Precepts from Clerk of the Peace to be directed to Clerk to Justices.

XLI. All Warrants or Precepts heretofore directed to be issued by the Clerk of the Peace in every County, Riding, and Division in England and Wales to the High Constable, for consolidating and amending the Laws relative to Jurors and Juries, shall be directed to the Clerk to the Justices of each Petty Sessional Division; and every such Clerk to the Justices shall issue the several Precepts to the Churchwardens and Overseers, and such Clerk to the Justices shall lay the same before the Justices at their next Petty Session, who shall transmit the same to the Superintendent Constable, whose Duty it shall be to deliver the same, and transact the several Duties required to be done and performed by High Constables under and by virtue of the said Act of the Sixth Year of the Reign of George the Fourth, except so far as the said Duties are hereby altered; and the said Clerk shall be subject and liable to the Penalties imposed by the said Act on High Constables for Neglect of Duty.

Juries.

XLII. And whereas the Justices of the Peace in every Division in England and Wales are, by the Tenth Section of the said recited Act of the Sixth Year of the Reign of King George the Fourth, directed to hold a Special Petty Session for the Purposes of the said Act within the last Seven Days of September in every Year, at which the Jury Lists are to be verified, and every High Constable is to receive the same, and deliver them to the Court of Quarter Sessions next holden for the County, Riding, or Division on the First Day of its Sitting, at the same Time attesting on Oath his Receipt of every such List; and it is expedient that the several Provisions aforesaid should be amended: Be it enacted, That the said Special Petty Session for the Purposes of the said Act shall and may be held on any

any Day during the last *Seven* Days of *September* as well as the First Seven Days of October in every Year; and every such Jury List, when duly corrected and allowed by the Justices present at such Petty Session, or some Adjournment thereof to be holden within *Four* Days thereafter, shall be received by the Clerk to the Justices acting as such Clerk at such Special Petty Session or Adjournment thereof, and be by him transmitted within *Seven* Days after such Special Petty Session to the Clerk of the Peace, with a Certificate that no Alteration hath been made therein since his Receipt thereof.

High Constables appointed for Life to be exempt from Operation of this Act.

XLIII. Provided always, That in any County or Riding in which the Office of High Constable is now held for Life the Precepts, Warrants, Notices, and Duties now issued to and performed by such High Constable under and by virtue of any Acts now in force shall continue to be so issued to and performed by such High Constable until any Vacancy occurs in the Office by the Expiration of his Appointment or otherwise.

Fees and Allowances.

XLIV. The Justices of the County in General or Quarter Sessions assembled shall from Time to Time, subject to the Approval of One of Her Majesty's Principal Secretaries of State, settle Tables of Fees and Allowances to the Clerks to the Justices and to the Constables for the Performance of their Duties respectively under this Act, which Table shall be in the Form No. 7. in the Schedule to this Act annexed, or to the like Effect.

Constables Fees in certain Cases to be a Charge on Poor's Rate by Justices Order.

XLV. The Fees and Allowances payable under this Act to Parish Constables (not being Constables wholly paid by Salary) for Duties performed by them shall in all Cases (except where the same are charged by Law upon the County Rate, or shall be recoverable or received from any other Person or Persons,) be a Charge upon the Poor Rate of the particular Parish, Township, or Place (notwithstanding the same shall be united or annexed to any other Parish or Parishes) in which the Offence was committed or Matter arose for which the Duties of such Constables were performed; and the Amount of such Fees and Allowances shall be paid by the Overseers of the Poor of the same Parish, Township, or Place, upon an Order of the Justices of the Division in Petty Session assembled.

Order to be made quarterly in specified Form.

XLVI. The said Order of Justices shall be in the Form No. 9. in the Schedule to this Act annexed, or to the like Effect, and shall be made and signed in duplicate; and at the Expiration of each Quarter of the Year such Orders shall be delivered to any Parish Constable

Constable entitled to the same, of which he shall keep One, and serve the other on the Overseers of the Parish therein named, any Rule or Order of any Court of General or Quarter Session to the contrary notwithstanding.

Recovery of Amount of Order for Constables Fees from Overseers, before Justices.

XLVII. The Salary due to any paid Constable, and the Amount payable to any Constable under any such Order as aforesaid, shall, if not paid within *Three* Calendar Months after such Salary shall have become due, or within *Three* Calendar Months after Notice of such Order shall have been given to One of the Overseers of the Poor of the Parish, Township, or Place upon whom the same was made, be recovered, with Costs, from the said Overseer or his immediate Successors in Office, in like Manner as Fines and Forfeitures may be recovered under the Provisions of an Act passed in the Session of the Eleventh and Twelfth Years of Her Majesty's Reign, Chapter Forty-three, intituled "An Act to facilitate the Performances of the "Duties of Justices of the Peace out of Sessions."

Constables Charges to be included with other Costs of summary Proceedings before Justices.

XLVIII. The Fees and Allowances payable under this Act to any Constable for Services performed shall and may be included in and form Part of the Costs of Proceedings in all Matters before Justices of the Peace out of Quarter Session in which such Justices have or may have Authority to award Costs to be paid by either Party to such Proceedings, independently of any ultimate Charge on the Poor Rate which may exist for the Amount of such Fees and Allowances in case the same should not be recoverable from such Parties: Provided always, that where any such Fees or Allowances are payable to a Superintendent Constable or to a Parish Constable paid wholly by Salary, and are recovered from the said Parties, the same shall be received by the Clerk to the Justices before whom such Proceedings are had, and by him paid over to the Treasurer of the County or to One of the Overseers of the Poor, as the Case may be, to be by him applied towards the Poor Rate of the Parish in which the Offence was committed or Matter arose for which such Fees or Allowances were payable.

Constables may recover their Fees from Parties before Justices.

XLIX. The Amount payable to any Constable for his Fees and Allowances for Services performed in respect of any Proceedings before Justices out of Quarter Session shall and may, if not paid, be recovered from the Person or Persons upon whose Information or Complaint or in whose Behalf such Proceedings were taken or instituted, in the same Manner as is herein-before directed with respect to the Recovery of Constables Fees from Overseers of the Poor: Provided always, that the Justices in Petty Session may at any Time remit the same, in whole or in part, on account of the Poverty of

the Party liable or other reasonable Cause, in their Discretion, and in Cases where such remitted Fees or Allowances are payable to a Parish Constable shall at their Discretion order the Amount thereof, with the reasonable Costs incurred in such Proceeding, if any, to be paid by the Overseers of the Poor of the Parish, Township, or Place in which the Offence was committed or Matter arose for which such remitted Fees or Allowances were payable, in the Manner herein-before directed.

Auditor not to disallow Money paid by Overseers under Order of Justices.

L. Where any Money shall have been paid by an Overseer to a Constable appointed under this Act, in obedience to any Authority in Writing purporting to be an Order of Justices in Petty Session assembled, purporting to be made in conformity with the Provisions contained in this Act, it shall not be disallowed by any Auditor or other Authority competent to examine, allow, and disallow the Accounts of Overseers, on any Ground whatsoever.

No Stamp Duty on Constable's Appointment.

LI. No Appointment of any Constable under the Provisions of this Act shall be charged or chargeable with any Stamp Duty whatever.

Repeal of 18 G. 3. c. 19. ss. 4, 5, 9.

LII. From and after the Time that this Act shall come into Operation, Sections Four, Five, and Nine of a certain Act of the Eighteenth Year of the Reign of King George the Third, Chapter Nineteen, shall be and the same are hereby repealed, together with all other Acts and Parts of Acts inconsistent with the Provisions of this Act, except as to any Proceedings now pending to which the same or any of them are applicable, and except as to such Places as are exempt from the Operations of this Act, as herein-before provided.

Horses, &c. in Service of Superintending or other Constables exempted from Toll.

LIII. No Toll shall be demanded or taken on any Turnpike Road or Bridge for any Horse, or Police Van, Carriage, or Cart passing along such Road or Bridge, in the Service of any Constable appointed under the Provisions of this Act, when engaged solely in the actual Discharge of his Duty as such Constable; provided that the Chief Superintending or Superintending or other Constable in charge of such Horse, Van, Carriage, or Cart shall produce a Certificate of his Appointment, signed, in the Case of the Chief Superintending or Superintending Constable, by the Clerk of the Peace of the County for which he shall have been so appointed, or shall have his Dress according to the Regulations of the said County at the Time of claiming the Exemption, and that in the Case of any other Constable a Certificate shall be produced signed by the Clerk to the Justices of the Division within which the Parish is situate for which the said Constable has been appointed; and every Person who shall fraudulently

fraudulently claim or take the Benefit of the Exemption from Toll herein contained, not being lawfully entitled thereunto, shall for every such Offence be liable to a Penalty not exceeding *Five Pounds;* and in all such Cases the Proof of Exemption shall be upon the Person claiming the same.

Recovery of Penalties.

LIV. All Penalties herein made payable on Conviction of any Offender before Two Justices of the Peace may be levied, in case of Nonpayment thereof, with the Costs and Charges attending such Conviction, by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of any Justice of the Peace of the County, Riding, or Place wherein such Conviction shall have taken place, with the reasonable Costs of such Distress and Sale; and the Overplus, if any, shall be returned to the Party whose Goods and Chattels shall have been distrained, under and in pursuance of the Provisions of the Act of the Eleventh and Twelfth Year of Her present Majesty, Chapter Forty-three; and in case of the Insufficiency of any such Distress, the Offender may by such Justice be imprisoned, for any Term not exceeding *Three* Months, unless the Penalty, together with the Costs, as by the said last-mentioned Act is provided, shall be sooner paid.

Application of Penalties.

LV. All Penalties levied under this Act shall be applied in aid of the County Rates of the County in which the Offence for which such Penalties shall be levied shall have been committed.

Interpretation of Act.

LVI. In this Act the Word "County" shall be taken to extend to every Riding or Division of a County, Liberty, or other District for which there is a separate Court of General or Quarter Session of the Peace, or in and for which a County Rate, or Rate in the Nature of a County Rate, is or may be levied, and shall also be taken to extend to the Liberties of the Cinque Ports, and the Justices appointed under the Provisions of an Act made and passed in the Fifty-first Year of the Reign of King George the Third, Chapter Thirty-six, intituled "An Act to facilitate the Execution of Justice within the "Cinque Ports;" and the Word "Parish" shall be taken to extend to every Township, District, or Place maintaining its own Poor, and also to every Extra-parochial Place which shall not be annexed to an adjoining Parish.

Schedule to be Part of Act.

LVII. The Schedule to this Act annexed shall be deemed Part of this Act.

Short Title.

LVIII. In citing this Act it shall be sufficient to use the Expression "Parish Constables Act, 1855."

SCHEDULE to the Act.

FORM No. 1.

FORM of JUSTICES PRECEPT to OVERSEERS for Lists of Persons to serve as Constables.

to wit. } To the Overseers of the Poor of the Parish of in the Division of in the County of .

WE, Two of Her Majesty's Justices of the Peace in and for the said County, usually acting in and for the said Division, do hereby require you the said Overseers to make out and return to the Clerk to Her Majesty's Justices of the Peace in and for the said County, usually acting in and for the said Division, at his Office at , before the *Twenty-fourth Day of March* next, a List in Writing, in the Form herewith sent, of Men within your Parish qualified and liable to serve as Constables for the same, together with the Name of One Person who either from the Receipt of a Salary or from his Intelligence is best qualified to act as Head Constable in your Parish: And we hereby give you Notice, that a Special Petty Session of the Peace will be holden at in the said County, in and for the said Division, on the Day of in the Year of our Lord One thousand eight hundred and , at o'Clock in the noon, for the Appointment of Parish Constables, which Special Session you are hereby required to attend.

Given under our Hands, this Day of in the Year of our Lord One thousand eight hundred and

Signature of Justices.

FORM

FORM No. 2.

FORM of OVERSEERS LISTS.

Parish of in the Division of in the County of , 18 .

LIST of Men residing within this Parish qualified and liable to serve as Constables thereof, made out and agreed to at a Meeting of the Inhabitants thereof in Vestry for that Purpose this Day held, and to be returned in pursuance of a Precept under the Hands of Two of Her Majesty's Justices of the Peace in and for the said County, acting in and for the said Division, bearing Date the Day of One thousand eight hundred and , to Her Majesty's Justices of the Peace in and for the said County, acting in and for the said Division, for their Appointment therefrom of such Number of Persons as they shall deem necessary (having regard to the Extent and Population of the said Parish) to act as Constables within the said Parish during the Year then next following, and until other Constables shall be chosen and sworn to act in their Stead as Constables for such Parish; namely,—

Christian Name and Surname.*	True Place of Abode.*	Title, Quality, Calling, or Business.*	Date of Year of previous Service.*
Men willing to serve the Office of Constable.			

Here to follow any Resolution appointing a paid Constable or rescinding the Appointment of One previously made.

Note.—You will place at the Top of this List the Name of the Person recommended to serve as Head Constable.

Notice is hereby given, that all Objections to the foregoing List will be heard by the said Justices of the Peace of this Division at their Special Petty Session to be held on the Day of at the in this County.

Signed the Day and Year first herein-before mentioned.

_____ } Overseers of the Poor of the said Parish and Assistant Overseer (if any).

_____ }

* Each of these Columns must be filled up in Words at full Length.

FORM No. 3.

FORM of APPOINTMENT by Justices of paid Constables.

County of } At a Special or an adjourned Special Petty Session of Her
to wit. } Majesty's Justices of the Peace in and for the County of
acting in and for the Division of
in the said County, holden at in and for the said Division
on the Day of in the Year of our Lord One
thousand eight hundred and , for the Appointment of Parochial
Constables.

WHEREAS we the Justices aforesaid present at the said Special Petty Session have received a Copy of a Resolution of the Inhabitants of the Parish of in the said Division and County in Vestry assembled (*a*), for the Purpose of making a Return of the Number of Men qualified and liable to serve as Constables for the said Parish on the Day of in the Year of our Lord One thousand eight hundred and whereby they have resolved that paid Constables should be appointed for their said Parish , at a Salary of Pounds a Year each :

Now we the said Justices, being satisfied with the Amount of Salary by the said Resolution agreed to be paid, do hereby appoint of the Parish of in the said Division (*b*) being the Number of paid Constables so agreed to by the said Resolution of the Inhabitants of the said Parish of in Vestry assembled (*c*) to Act as Constable for the said Parish of at the Salary of Pounds a Year aforesaid, such Constable to hold Appointment until shall resign or be dismissed for Misconduct by the Justices of this Division in Petty Session assembled, or until the Vestry shall rescind the Resolution for Appointment at any Meeting of Vestry holden for making such Return as aforesaid.

Given under our Hands and Seals, at the Special Petty Session aforesaid.

_____ } Signatures and Seals of at least
_____ } Two Justices present.

(*a*) If more than One Parish has agreed to have joint paid Constables, state so here.
(*b*) Insert the Names, Abodes, and Callings of all appointed.
(*c*) Insert the Name of each Parish.

FORM No. 4.

FORM of APPOINTMENT of SUBSTITUTE.

County of } At a Special or an adjourned Special Petty Session of Her
to wit. } Majesty's Justices of the Peace in and for the County
of acting in and for the Division
of in the said County, holden at in and for the
said Division on the Day of
in the Year of our Lord One thousand eight hundred and

WHEREAS at a Special or an adjourned Special Petty Session of Her Majesty's Justices of the Peace in and for the County of acting in and

and for the Division of , held the Day of at , in and for the said Division, for the Appointment of Parish Constables, of was duly chosen by the said Justices to act as a Constable for the of during the Year now next following, and until another shall be chosen and sworn to act in his Stead as a Constable for such

And whereas the said having been duly summoned to appear before us this Day at , and being unwilling to serve the said Office of Constable in Person, and having found One of as his Substitute, to be approved of by us, and willing to serve for him, hath this Day duly attended with his proposed Substitute before us.

Now we the said Justices, assembled as aforesaid, do hereby approve of the said as a Substitute for the said in the said Office of Constable for the said of for the Year now next following, and have caused the Oath required by the Statute in such Case made and provided to be duly administered to him.

Given under our Hands and Seals, at the Special Petty Session aforesaid.

Signatures of at least Two Justices present.

FORM No. 5.

FORM of SUMMONS to attend to be appointed and sworn.

to wit. } To of the Parish of in the County of .

WHEREAS at a Special or an adjourned Special Petty Session of Her Majesty's Justices of the Peace in and for the said County acting in and for the Division of in the said County, held this Day at in and for the said Division, for the Appointment of Parish Constables, you the said with others were duly selected for Appointment to act as Constables within the said Parish during the Year now next following, and until others shall be chosen and sworn to act in your and their Stead as Constables for such Parish :

These are therefore to require you personally to appear before such Justices as shall be present at the aforesaid, in the said Division, on the Day of in the Year of our Lord One thousand eight hundred and , at the Hour of in the noon, in order that you may be appointed Constable, and that the Oath required by the Statute in such Case made and provided to be taken by you for the due Execution of your said Office may be administered by us to you.

Herein fail not, as your Neglect without reasonable Cause to be allowed by us will render you liable to a Penalty of *Ten Pounds*.

Given under our Hands, at the Special Petty Session aforesaid, this Day of in the Year of our Lord One thousand eight hundred and .

Signatures of not less than Two Justices present.

FORM No. 6.

FORM of APPOINTMENT of CONSTABLES.

to wit. } At a Special or an adjourned Special Petty Session of Her Majesty's Justices of the Peace in and for the County of acting in and for the Division of in the said County of holden at the in and for the said Division on , the Day of in the Year of our Lord One thousand eight hundred and , for the Appointment of Parish Constables for the several Parishes, Townships, and other Districts maintaining their own Poor, and Extra-parochial Places not annexed to an adjoining Parish, respectively within the said Division.

WE, the undersigned, Justices present at the said Special Petty Session, in pursuance of the Power vested in us by the Statute in such Case made and provided, do appoint, from the List of Persons returned to us for the Parish of in the said Division, and by us duly corrected and allowed, the Persons, residing within the said Parish, whose Names, Abodes, and Callings are hereunder written, to act as Constables within the said Parish during the Year now next following, and until other Constables shall be chosen and sworn to act in their Stead as Constables for such Parish respectively, such number of Persons being deemed by us the said Justices to be necessary (having regard to the Extent and Population of the said Parish) to act as Constables as aforesaid; that is to say,—

Christian and Surname	Place of Abode.	Title, Quality, Calling, or Business.

Given under our Hands and Seals, at the Special Petty Session aforesaid.

Signatures of at least Two Justices present.

FORM No. 7.

TABLES of FEES and ALLOWANCES to the CLERKS to the JUSTICES for the County of for the Performance of their Duties under this Act, and to the CONSTABLES for the Performance of their Duties.

JUSTICES CLERKS FEES.

	£	s.	d.
For every Precept to a Constable for convening a Special Petty Session, to be paid by each Parish - - - - -			
Notices to Justices when required, to be paid by each Parish -			
Precept and Notice to Overseers to return Lists to Special Session, to be paid by each Parish - - - - -			

Each

	£	s.	d.
Each Form of List of Persons agreed to at Vestry, when required by Overseer			
For every other Precept and Notice issued under these Acts			
Verification and Allowance of each List returned, including hearing Objections thereto			
Appointment of Constable, if only One			
Each additional Constable in the same Appointment			
Copy of Appointment for Overseers, One Half			
Every Appointment of paid Constables			
Every Duplicate of the above, or Copy, if required			
Every Appointment of a Substitute			
Every Summons and Duplicate			
Oath of Office			
Certificate			
Lists of Constables for Justices and Clerk of the Peace and Superintending Constable, not exceeding 20 Names each Parish			
For every additional 10 Names			
For every Order of Justices to unite Parishes under Sect. 4., to be paid by each Parish included therein			
For every Copy			
For every Information and Examination, if in Writing			
For each Witness examined on Hearing, including Oath			
Confession			
Conviction			
Distress Warrant			
Commitment			
Other Orders and Allowances not provided for			each
Notice to Justices			each

CONSTABLES FEES.

	£	s.	d.
Serving Summons or written Order of Justice, when within the Parish			
Ditto, out of the Parish			
Executing Warrant			
Executing Warrant to search			
Distraining, when not otherwise directed by Statute			
Pressing Carriages for Baggage (up to Ten), each			
For every One in addition to be paid by the County			
For Attendance in making a Return, or obeying a legal Order of Justices			
For attendance with Prisoner			
For Assistance with Prisoner, when necessary			
Travelling Expenses actually incurred, when out of the Parish			
For taking a Prisoner into Custody or before a Justice, for each Mile actually travelled			
Subsistence of Prisoner, per Day			
Subsistence of Constable, after One Day			
Assistant, when ordered, same as Constable.			

	£	s.	d.
Lodging of Prisoner			
Lodging of Constable			
Assistant to Constable			
For the Performance of any occasional Duty which may be required under a written Order of a Justice (which Order shall be in the Form No. 8. in this Schedule, or to the like Effect), or which, having been performed without such Order, is afterwards sanctioned and allowed by Justices in Petty Sessions, a Sum not exceeding (while actually engaged)			per Day per Night

At the Session holden at in and for the County of on the Day of 18 , the above Tables of Fees and Allowances were settled by the Justices of the said County there assembled, subject to the Approval of One of Her Majesty's Principal Secretaries of State.

Chairman.

Whitehall, 18 . Approved,

FORM No. 8.

FORM of ORDER of a JUSTICE to a CONSTABLE to watch any suspected Person or Place, or to perform any other occasional Duty.

to wit. To Constable of the Parish of in the said County.

WHEREAS Information (on Oath) hath been given to me the undersigned, One of Her Majesty's Justices of the Peace in and for the County of , that there is good Cause to suspect that a (1)

is intended and likely to be committed in the Parish of aforesaid, or that a has been committed in the Parish aforesaid, ((2) and that there is Cause to suspect such (3) is intended and likely to be committed by of or has been committed by , or that of will be aiding, assisting, and abetting therein,) and that it is necessary, in order to prevent the same (or to detect the Offender or Offenders), that Watch should be kept in relation thereto: Now I the said Justice do hereby require you, for the Purpose aforesaid, to keep Watch during such Days and Nights in the course of Days next ensuing the Date hereof as to you shall seem meet (4)

and to take such other Steps for the Performance of the said occasional Duty as may be requisite, and to certify to me or some other Justice of the Peace what you shall do in the Premises.

Given under my Hand (and Seal), this Day of in the Year of our Lord 18 .

(1) Felony, Misdemeanor, Breach of the Peace, unlawful and malicious Injury to or stealing the Property of of the said Parish, as the Case may be.

(2) This can be added if the Information warrants it.

(3) Felony, Misdemeanor, Breach of the Peace, malicious Injury, stealing, as the Case may be.

(4) Here insert such other Directions as the Circumstances may suggest.

FORM

FORM No. 9.

ORDER on OVERSEERS for PAYMENT of JUSTICES CLERKS FEES, and of CONSTABLES FEES, and ALLOWANCES.

County of } At a Petty Session of Her Majesty's Justices in and for the said
to wit. } County of acting in and for the Division of
in the same County, holden at
in the same Division on the Day of
A.D. 18 ,—

WE, the undersigned, Justices assembled at the said Petty Sessions, do hereby, pursuant to the Statute in such Case made and provided, order you the Overseers of the Poor of the Parish [*or* Township *or* Place] of *D.*, in the said Division and County, to pay, out of the Monies in your Hands collected for the Relief of the Poor of your said Parish [Township *or* Place], unto *C.D.*, the Clerk to the said Justices, [*or* a Constable,] the Sum of
the same being the Amount of the Fees and Allowances for certain Duties performed by the said Clerk [*or* Constable], as ascertained, sanctioned, and allowed by us, in accordance with the Statutes in that Behalf, and the Regulations of the Justices assembled in General Quarter Sessions for the said County of

Given under our Hands and Seals, at the Petty Sessions aforesaid.

[*Signatures and Seals of at least Two Justices present.*]

To the Overseers of the Poor }
of the Parish of *D.* }

Parish Constables.

A

BILL

To amend the Laws relating to the Appointment and Payment of Superintending and Parish Constables, and to dispense with the Services of High Constables and Petty Constables in certain Cases.

(*Prepared and brought in by Mr. Deedes, Colonel Clifford, and Mr. George H. Cavendish.*)

Ordered, by The House of Commons, *to be Printed,* 26 *April* 1855.

[Bill 92.]

Under 4 *oz.*

29 *March* 1855. 18 Vict.

(Scotland.)

A

BILL

TO

Amend an Act of the Second and Third Years of King William the Fourth, for amending the Representation of the People in Scotland, in so far as relates to the Procedure in County Elections in that Country.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS it is expedient that the Time between the Receipt of the Writ by the Sheriff and the Day of Election of Members to serve in Parliament for Counties in Scotland should be shortened: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. Each Sheriff to whom any Writ for the Election of a Member to serve for any County or combined Counties in Scotland (except Orkney and Shetland) shall be directed, under the Provisions of an Act passed in the Second and Third Year of the Reign of His late Majesty, intituled "An Act to amend the Representation of the "People in Scotland," shall endorse on the Writ the Day on which he received it, and shall within *Two* Days thereafter announce a Day for the Election, which Day shall be not less than *Six* nor more than *Twelve* Sheriff to endorse on the Writ the Day on which he received it and announce the Time for the Election. 2 & 3 W. 4. c. 65.

Twelve Days in Counties or combined Counties after the Day on which the Writ was received, and shall give due Intimation thereof as is provided in the said Act.

Proviso as to Orkney and Shetland.

II. In the Case of Orkney and Shetland the Provisions of the said Act, in so far as they relate to the fixing and Announcement of the Day of Election, and the Interval to elapse between the Receipt of the Writ and the Day of Election, shall remain in full Force and Effect, anything in this Act contained notwithstanding.

Act 2 & 3 W. 4. repealed so far as inconsistent with this Act.

III. In all Cases in which the Provisions of the said Act shall be inconsistent with this Act, and in as far as shall be necessary to give Effect to the true Intent and Meaning of this Act, but no further, the said Act shall be and the same is to such Extent hereby repealed; and the said Act shall in all other respects remain in full Force and Effect, and be as good and effectual to carry this Act into execution, as if the same were herein repeated and re-enacted.

Parliamentary Representation (Scotland) Act Amendment.

A

B I L L

To amend an Act of the Second and Third Year of King William the Fourth, for amending the Representation of the People in Scotland, in so far as relates to the Procedure in County Elections in that Country.

(Prepared and brought in by Viscount Duncan, the Lord Advocate, and Mr. Solicitor General.)

Ordered, by The House of Commons, *to be Printed,* 29 *March* 1855.

[Bill 73.]

Under 1 *oz.*

25 *May* 1855. 18 Vict.

A

BILL

TO

Amend the Law of Partnership.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS it is expedient to amend the Law relating to Partnership: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Preliminary.

I. This Act may be cited for all Purposes as "The Partnership Amendment Act, 1855." Short Title of Act.

II. No Person who may hereafter, in manner authorized by this Act, lend any Money to any other Person not being a Banker, or to any Partnership or Company not being a Banking Partnership or Company, shall be deemed to be a Partner with the Person or a Member of the Partnership or Company borrowing such Money by reason of his receiving or being entitled to receive a Portion of the Profits made by such Person, Partnership, or Company so borrowing, or a Sum varying according to the Amount of such Profits, either in lieu of or in addition to any Interest for or on account of such Loan, or by reason of any Agreement to bear any Portion of the Loss which may be sustained by such Person or Partnership in any Trade or Business carried on by him or them. Lenders to Persons or Partnerships not to be deemed Partners.

III. A Loan

Registry of Loan.

III. A Loan shall be deemed to have been made in manner authorized by this Act whenever the following Particulars in respect thereof have been registered at the Office for the Registration of Joint Stock Companies in London, in Cases where the Borrower is resident in England, and at the Office for the Registration of Joint Stock Companies in Dublin, in Cases where the Borrower is resident in Ireland; that is to say,

The Name, Place of Business, and Description of the Lender:

The Name, Place of Business, and Description of the Borrower:

The Amount of the Loan:

The Proportion of Profits, Interest, or Sum, varying according to the Amount of Profits, payable in respect of such Loan:

And if any material Omission or Mis-statement is made in any of the above Particulars such Loan shall be deemed not to have been made in manner authorized by this Act.

Variation or Renewal of Loan to constitute a new Loan.

IV. Whenever any Variation is made in the Amount of any registered Loan, or in the Amount of the Profits, Interest, or Sum payable in respect thereof, or whenever such Loan is renewed, such Variation or Renewal shall be deemed to constitute a new Loan, and to require Registration accordingly.

Rules as to Registration of Loans.

V. The following Rules shall be observed with respect to the Registration of Loans:—

(1.) The Registrar shall provide proper Books for the Purpose of registering such Loans as aforesaid, but all Entries therein shall be in such Form as may from Time to Time be directed by the Lords of the Committee of Privy Council for Trade, herein after called the Board of Trade:

(2.) Before registering any Loan, the Registrar shall require the Production of the Instrument for securing or manifesting the same, and the Profits, Interest, or Sum payable in respect thereof, or such other Evidence of such Loan as he shall deem sufficient, and shall stamp the Instruments so produced with the Seal of his Office:

(3.) In case of a Loan or any Part thereof being repaid, the Registrar shall, on Application being made to him, and Proof shown of the Fact, make an Entry to that Effect in the Register Book, specifying in such Entry the Date of the Application; and the Date so entered shall for the Purposes of this Act be considered the Date of the Repayment of the Loan, or Part of Loan, as the Case may be:

(4.) The Registrar, if so required by the Board of Trade, shall, in the Case of Loans registered in England, advertise in the London Gazette, and in the Case of Loans registered in Ireland advertise in the Dublin Gazette, the Repayment of

of a Loan or any Part thereof, in such Manner as the Board of Trade may direct:

(5.) There shall be charged in respect of the Entry of any registered Loan, or of any such Variation or Discharge as aforesaid, a Fee of *Five Shillings* in Cases where the Loan does not exceed One hundred Pounds, and a Fee of *Ten Shillings* in Cases where the Loan exceeds One hundred Pounds, or such other Fees as may from Time to Time be directed by the Commissioners of Her Majesty's Treasury:

(6.) Every Person may, on Payment of a Fee of *One Shilling*, have Access to the Registry Books of Loans, for the Purpose of Inspection, at any reasonable Time during the Hours of official Attendance of the Registrar, and may require a Copy or Extract of any Entry therein, to be certified by the Registrar; and there shall be paid for such certified Copy or Extract a Fee of *One Shilling*, and a further Fee not exceeding *Sixpence* for each Folio of such Copy or Extract beyond the First Folio; and in all Courts of Law and Equity, and elsewhere, every such Copy or Extract so certified shall be received in Evidence without Proof of the Signature thereto, or of the Seal of Office affixed thereto.

Liability of registered Lender.

VI. In the event of a Borrower being adjudged a Bankrupt, taking the Benefit of the Insolvent Debtors Act, or dying in insolvent Circumstances, or if such Borrower is a Company in the event of its being declared bankrupt, or of an Order being made for winding it up, a Lender of a registered Loan shall not be entitled to receive any Portion of his Principal, or of the Profits, Interest, or Sum payable in respect of such Loan, until the Claims of the other Creditors of the Borrower have been satisfied, and in addition thereto he shall be liable to make good to the other Creditors of the Borrower any Deficiency of Assets to the Extent of all Sums of Money or other Benefit received by him during the Year immediately preceding any such Event as aforesaid, on account of the Principal of such Loan, or on account of the Profits, Interest, or Sum payable in respect of the same, but the Principal of such Loan which shall have been repaid shall be deemed to have been repaid within such Year, unless the Date of Repayment shall appear by the Register to have been prior to the Period of such Year.

Agents.

Agents, &c. not to be deemed Partners.

VII. No Person employed by any Person, Partnership, or Company as Agent, Factor, Servant, or in other like Capacity, shall be deemed to be a Partner by reason of his receiving, in lieu of or in addition to Wages

Wages for his Service, a Portion of the Profits made by such Person or Partnership, or a Sum varying according to the Amount of such Profits.

Act not to apply to Scotland.

VIII. This Act shall not apply to Scotland.

Partnership Amendment.

A

B I L L

To amend the Law of Partnership.

(Prepared and brought in by Mr. FitzRoy, Mr. Bouverie, and Viscount Palmerston.)

Ordered, by The House of Commons, *to be Printed,* 25 *May* 1855.

[Bill 151.]

Under 1 *oz.*

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Amend the Law of Partnership.

WHEREAS it is expedient to amend the Law relating to Partnership: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act may be cited for all Purposes as "The Partnership Amendment Act, 1855." Short Title of Act.

II. No Person who may hereafter lend any Money to any other Person not being a Banker, or to any Partnership or Company not being a Banking Partnership or Company, shall be deemed to be a Partner with the Person or a Member of the Partnership or Company borrowing such Money by reason of his receiving or being entitled to receive a Portion of the Profits made by such Person, Partnership, or Company so borrowing, or a Sum varying according to the Amount of such Profits, either in lieu of or in addition to any Interest for or on account of such Loan, or by reason of any Agreement to bear any Portion of the Loss which may be sustained by such Person, Partnership, or Company in any Trade or Business carried on by him or them. Lenders to Persons or Partnerships not to be deemed Partners.

III. The

Registry of Loan.

III. The following Particulars in respect of every such Loan shall be registered at the Office for the Registration of Joint Stock Companies in London, in Cases where the Borrower is resident in England, and at the Office for the Registration of Joint Stock Companies in Dublin, in Cases where the Borrower is resident in Ireland; that is to say,

The Name, Place of Business, and Description of the Lender:

The Name, Place of Business, and Description of the Borrower:

The Amount of the Loan:

The Proportion of Profits, Interest, or Sum, varying according to the Amount of Profits, payable in respect of such Loan:

And if such Loan be not registered within Ten Days of the making thereof, if the Lender be living at the Expiration of such Ten Days, such Loan shall not be recoverable; and if any material Omission or Mis-statement is made in any of the above Particulars, no Interest or Profits in respect of such Loan shall be recoverable by the Lender.

Variation or Renewal of Loan to constitute a new Loan.

IV. Whenever any Variation is made in the Amount of any registered Loan, or in the Amount of the Profits, Interest, or Sum payable in respect thereof, or whenever such Loan is renewed, such Variation or Renewal shall be deemed to constitute a new Loan, and to require Registration accordingly.

Rules as to Registration of Loans.

V. The following Rules shall be observed with respect to the Registration of Loans:—

(1.) The Registrar shall provide proper Books for the Purpose of registering such Loans as aforesaid, but all Entries therein shall be in such Form as may from Time to Time be directed by the Lords of the Committee of Privy Council for Trade, herein-after called the Board of Trade:

(2.) Before registering any Loan, the Registrar shall require the Production of the Instrument for securing or manifesting the same, and the Profits, Interest, or Sum payable in respect thereof, or such other Evidence of such Loan as he shall deem sufficient, and shall stamp the Instruments so produced with the Seal of his Office:

(3.) In case of a Loan or any Part thereof being repaid, the Registrar shall, on Application being made to him, and Proof shown of the Fact, make an Entry to that Effect in the Register Book, specifying in such Entry the Date of the Application; and the Date so entered shall for the Purposes of this Act be considered the Date of the Repayment of the Loan, or Part of Loan, as the Case may be:

(4.) The Registrar, if so required by the Board of Trade, shall, in the Case of Loans registered in England, advertise in the London Gazette, and in the Case of Loans registered in Ireland advertise in the Dublin Gazette, the Repayment of

of a Loan or any Part thereof, in such Manner as the Board of Trade may direct:

(5.) There shall be charged in respect of the Entry of any registered Loan, or of any such Variation or Discharge as aforesaid, a Fee of Five Shillings in Cases where the Loan does not exceed One hundred Pounds, and a Fee of Ten Shillings in Cases where the Loan exceeds One hundred Pounds, or such other Fees as may from Time to Time be directed by the Commissioners of Her Majesty's Treasury:

(6.) Every Person may, on Payment of a Fee of One Shilling, have Access to the Registry Books of Loans, for the Purpose of Inspection, at any reasonable Time during the Hours of official Attendance of the Registrar, and may require a Copy or Extract of any Entry therein, to be certified by the Registrar; and there shall be paid for such certified Copy or Extract a Fee of One Shilling, and a further Fee not exceeding Sixpence for each Folio of such Copy or Extract beyond the First Folio; and in all Courts of Law and Equity, and elsewhere, every such Copy or Extract so certified shall be received in Evidence without Proof of the Signature thereto, or of the Seal of Office affixed thereto.

Liability of registered Lender.

VI. In the event of a Borrower being adjudged a Bankrupt, taking the Benefit of the Insolvent Debtors Act, or dying in insolvent Circumstances, or if such Borrower is a Company in the event of its being declared bankrupt, or of an Order being made for winding it up, a Lender of a registered Loan shall not be entitled to receive any Portion of his Principal, or of the Profits, Interest, or Sum payable in respect of such Loan, until the Claims of the other Creditors of the Borrower have been satisfied, and in addition thereto he shall be liable to make good to the other Creditors of the Borrower any Deficiency of Assets to the Extent of all Sums of Money or other Benefit received by him during the Three Months immediately preceding any such Event as aforesaid, on account of the Principal of such Loan, or on account of the Profits, Interest, or Sum payable in respect of the same, but the Principal of such Loan which shall have been repaid shall be deemed to have been repaid within such Three Months, unless the Date of Repayment shall appear by the Register to have been prior to the Period of such Three Months.

Agents, &c. not to be deemed Partners.

VII. No Person employed by any Person, Partnership, or Company as Agent, Factor, Servant, or in other like Capacity, shall be deemed to be a Partner by reason of his receiving, in lieu of or in addition to

Wages for his Service, a Portion of the Profits made by such Person or Partnership, or a Sum varying according to the Amount of such Profits.

Act not to apply to Scotland.

VIII. This Act shall not apply to Scotland.

Partnership Amendment.

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Law of Partnership.

(Prepared and brought in by Mr. FitzRoy, Mr. Bouverie, and Viscount Palmerston.)

Ordered, by The House of Commons, *to be Printed, 2 July* 1855.

[Bill 212.]

Under 1 *oz.*

Passengers Act Amendment Bill.

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A

B I L L

TO

Amend the Law relating to the Carriage of Passengers by Sea.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS it is expedient to amend "The Passengers Act, 1852:" Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Prefatory Clauses.

I. On the *First Day of* next, when this Act shall commence and come into force, "The Passengers Act, 1852," shall be repealed; except so far as the said Act repeals any former Act or Enactment; and except so far as may be necessary for supporting or continuing any Proceeding heretofore taken or hereafter to be taken upon any Bond given under the said Act, or upon any other Civil Process; and except as to the Recovery and Application of any Penalty for any Offence committed against the said Act before the Commencement of this Act; and except also as to an Order in Council made by Her Majesty, with the Advice of Her Privy Council, on the Sixteenth Day of October One thousand eight hundred and fifty-two, in pursuance of the Powers given by the Fifty-fifth Section of "The Passengers Act, 1852," which said Order in Council shall remain in force until altered or revoked by any Order in Council to be made under the Provisions of this Act. Commencement of this Act, and Repeal of former Act except as to existing Liabilities, and except as to an Order in Council dated 16th October 1852.

Prefatory Clauses.

Short Title.

II. In citing this Act in other Acts of Parliament, or in any Instrument, Document, or Proceeding, it shall be sufficient to use the Expression "The Passengers Act, 1855;" and in any Process for enforcing the Remedies or Penalties given or imposed by this Act, it shall be sufficient, without specifying more particularly the Cause of Complaint or Offence, to refer by Number, according to the Copies of the Act printed by the Queen's Printer, to the Section or Sections under which the Proceeding is taken.

In legal Proceedings, Reference to Sections of this Act by Number sufficient.

Definition of Terms; viz.

"Number and Gender:"

"United Kingdom:"

"North America:"

"West Indies:"

"Governor:"

"Statute Adult:"

"Passage" and "Passengers:"

"Cabin Passengers:"

III. For the Purposes of this Act, the following Words and Expressions, whenever they occur, shall respectively have the following Significations, if not inconsistent with the Context or Subject Matter; (that is to say,) Words of one Number or Gender shall import both Numbers and all Genders respectively; the Expression "Her Majesty" shall include Her Heirs and Successors; the Expression "Consular Officer" shall signify and include Her Majesty's Consul General, Consul, and Vice Consul; the Expression "United Kingdom" shall signify Great Britain and Ireland, and the Islands of Guernsey, Jersey, Alderney, Sark, Scilly, and Man; the Expression "North America" shall signify and include the Bermudas, and all Ports and Places on the Eastern Coast of the Continent of North America, or in the Islands adjacent or near thereto, or in the Gulf of Mexico North of the Tropic of Cancer; the Expression "West Indies" shall signify the West India Islands, the Bahamas, British Guiana, and Honduras; the Expression "Governor" shall signify the Person who for the Time being shall be lawfully administering the Government of any British Colony in which he may be acting; the Expression "Statute Adult" shall signify any Person of the Age of *Twelve* Years or upwards, or Two Persons under the Age of *Twelve* Years; the Expression "Passage" shall include all Passages except Cabin Passages; the Expression "Passengers" shall include all Passengers except Cabin Passengers, and except Labourers under Indenture to the Hudson's Bay Company, and their Families, conveyed in Ships the Property of or chartered by the said Company, and no Persons shall be deemed Cabin Passengers unless the Space allotted to their exclusive Use in the Chief or Second Cabin shall be in the Proportion of at least Thirty-six clear Square Feet to each Statute Adult, nor unless they shall be messed throughout the Voyage at the same Table with the Master or First Officer of the Ship, nor unless the Fare contracted to be paid by them respectively shall be in the Proportion of at least *Thirty Shillings* for every Week of the Length of the Voyage as computed for Sailing Vessels under the Provisions of this Act, nor unless they shall have been furnished with a duly signed Contract Ticket according to the Form in Schedule (I.) of this Act; the Expression "Upper Passenger Deck" shall signify and include the

Prefatory Clauses.

the Deck immediately beneath the Upper Deck; the Expression "Lower Passenger Deck," the Deck next beneath the Upper Passenger Deck, not being an Orlop Deck, nor more than Eighteen Inches below the Water Line of the Ship when ready for Sea; the Expression "Ship" shall signify any Description of Sea-going Vessel, whether British or Foreign; the Expression "Passenger Ship" shall signify every Description of such Ship carrying upon any Voyage to which the Provisions of this Act shall extend more than *Thirty* Passengers in all, or a greater Number of Passengers than in the Proportion of One Statute Adult to every *Fifty* Tons of the registered Tonnage of such Ship if propelled by Sails, or of One Statute Adult to every *Twenty-five* Tons if propelled by Steam; the Expression "Master" shall signify the Person who shall be borne on the Ship's Articles as Master, or who, other than a Pilot, for the Time being shall be in charge or command of any such Ship or "Passenger Ship;" and the Expression "Emigrant Runner" shall signify every Person other than a licensed Passage Broker or his bonâ fide salaried Clerk, who within any Port or Place of Shipping, or within *Five* Miles of the outer Boundaries thereof, for Hire or Reward, or the Expectation thereof, shall directly or indirectly conduct, solicit, influence, or recommend any intending Emigrant to or on behalf of any Passage Broker, Owner, Charterer, or Master of a Ship, Lodging House, or Tavern, or Shop, Keeper, Money Changer, or other Dealer or Chapman, for any Purpose connected with the Preparations or Arrangements for a Passage, or shall give or pretend to give to such intending Emigrant any Information or Assistance in any Way relating to Emigration.

"Passenger Decks:"

"Ship:"

"Passenger Ship:"

"Master:"

"Emigrant Runner."

To what Vessels and Voyages the Act extends.

IV. This Act shall extend to every "Passenger Ship" proceeding on any Voyage from the United Kingdom to any Place out of Europe, and not being within the Mediterranean Sea, and on every Colonial Voyage as herein-after described, and, in the Particulars mentioned or referred to in Sections Ninety-nine, One hundred, and One hundred and one, to every Ship bringing Passengers into the United Kingdom from any Place out of Europe and not being within the Mediterranean Sea; but shall not extend to any of Her Majesty's Ships of War, nor to any Ships in the Service of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, nor to any Ship of War or Transport in the Service of the East India Company, nor to any Steam Vessel regularly employed in the Conveyance of the Public Mails under an existing Contract with the Government of the State or Colony to which such Steam Vessel may belong, provided the Master thereof shall, on Demand, produce to the Emigration Officer at the Port of Clearance or Port of Departure a Certificate of Exemption, in the Form given in Schedule (A.) hereto annexed, under the Hand of the Postmaster General of the United

Prefatory Clauses.

Kingdom, or of some Person deputed by him for the Purpose, or in the Case of a Colony or a Foreign State, under the Hand of the Postmaster General or other competent Government Officer of such Colony or Foreign State, which Certificate shall, in the Case of a Steam Vessel belonging to a Foreign State, be authenticated by the Signature of a British Consular Officer in such Foreign State.

Penalty on fraudulently using Certificates or using fraudulent Certificates.

V. Such Certificate of Exemption shall be issuable at the Discretion of the Officer authorized to grant the same as herein-before mentioned, and shall remain in force for the Period specified therein, unless sooner revoked, or unless the Vessel for which it shall have been issued shall sooner cease to be employed in carrying the Public Mails; and if any Person shall make or attempt to make any fraudulent Use of any such Certificate, or shall forge, counterfeit, alter, or erase the whole or any Part thereof, or shall use or attempt to use any spurious or fraudulent Certificate, the Person so offending, and every Person aiding and abetting in such Offence, shall be liable to a Penalty not exceeding *Five hundred Pounds* Sterling, and the Vessel for which the Exemption is claimed shall not be cleared out until all the Requirements of this Act have been complied with.

Commissioners of Emigration to carry this Act into execution.

VI. And whereas by a Warrant under Her Majesty's Sign Manual, bearing Date on the Twenty-seventh Day of November One thousand eight hundred and forty-seven, Her Majesty was pleased to appoint certain Persons therein named under the Style of "The Colonial Land and Emigration Commissioners," to be, during Her Majesty's Pleasure, Commissioners in the United Kingdom for the Sale of the Waste Lands of the Crown of Her Majesty's Colonies, and for superintending the Emigration of the poorer Classes of Her Majesty's Subjects to such Colonies: And whereas it is expedient that such Commissioners should be empowered to carry this Act into execution: Be it therefore enacted, That the said Commissioners, and their Successors for the Time being, shall and they are hereby empowered to carry this Act into execution; and that for all legal and other Purposes it shall be sufficient to describe such Commissioners by the Style of "The Emigration Commissioners."

Emigration Commissioners may sue and be sued in the Name of their Secretary or of One of themselves.

VII. The said Emigration Commissioners for the Time being may sue and be sued in the Name of their Secretary, or of any One of such Commissioners for the Time being, and legal or equitable Proceedings taken by or against the said Commissioners in the Name of any One of them or of their Secretary shall not abate nor be discontinued by the Death or Removal of such Secretary or Commissioner, but the Secretary for the Time being, or any One of such Commissioners, shall always be deemed to be the Plaintiff or Defendant

(as

(as the Case may be) in any such Proceedings: Provided always, that the said Commissioners and their Secretary, and the Emigration Officers herein-after mentioned respectively, shall in no Case be personally liable, nor shall the private Estate and Effects of any of them be liable, for the Payment of any Monies or Costs or otherwise in respect of any Contract made or hereafter to be made by them or any of them, or in respect of any legal or equitable Proceedings taken against them or any of them, or for any Act, Deed, or Matter done or executed by them or any of them in their or his official Capacity and on the Public Service.

Prefatory Clauses.

The Commissioners and their private Estates exempt from Liability.

VIII. In the United Kingdom the said Commissioners acting under the Sanction of One of Her Majesty's Principal Secretaries of State, and in Her Majesty's Possessions abroad the respective Governors thereof, may from Time to Time appoint, and the said Commissioners and Governors may at pleasure from Time to Time remove, such Emigration Officers and Assistant Emigration Officers as they may respectively think necessary, for the Purpose of carrying this Act into execution, under the Direction of the said Commissioners or Governors, as the Case may be: Provided nevertheless, that all existing Appointments of Emigration Officers or Immigration Agents and of their Assistants, as well in the United Kingdom as in Her Majesty's Possessions abroad, shall continue in force under this Act until duly revoked.

Emigration Officers and Assistants to act under the Commissioners, &c.

Existing Appointments to continue until revoked.

IX. All Powers, Functions, and Duties to be exercised or performed by any such Emigration Officer shall be exercised and performed respectively by his Assistant, or, at any Port where there shall be no such Emigration Officer or Assistant, or in their Absence, by the Chief Officer of Customs for the Time being at such Port.

Duties of Emigration Officer may be performed by his Assistant or by Officer of Customs.

X. The Master of every Ship, whether a "Passenger Ship" or otherwise, fitting or intended for the Carriage of Passengers, or which shall carry Passengers upon any Voyage to which this Act extends, shall afford to such Emigration Officer or his Assistant or Officer of Customs as aforesaid at any Port or Place in Her Majesty's Dominions, and, in the Case of British Ships, to Her Majesty's Consul at any Foreign Port or Place at which such Ship shall be or arrive, every Facility for inspecting such Ship, and for communicating with the Passengers, and for ascertaining that the Provisions of this Act, so far as the same may be applicable to such Ships, have been duly complied with; the Master of any Ship who shall omit or fail to comply with any of the Requirements of this Section shall be liable to a Penalty not exceeding *Fifty Pounds* nor less than *Five Pounds* Sterling.

Facilities to be given to the proper Officers for the Inspection of all Ships fitting for Passengers.

Penalty.

Prefatory Clauses.

No Passenger Ship to clear without Certificate from Emigration Officer, nor until Bond be given to the Crown.

XI. No Ship fitted or intended for the Carriage of Passengers as a "Passenger Ship" shall clear out or proceed to Sea until the Master thereof shall have obtained from the Emigration Officer at the Port of Clearance a Certificate under his Hand that all the Requirements of this Act, so far as the same can be complied with, before the Departure of such Ship, have been duly complied with, and that such Ship is, in his Opinion, seaworthy, in safe Trim, and in all respects fit for her intended Voyage, and that her Passengers and Crew are in a fit State to proceed, nor until the Master shall have joined in executing such Bond to the Crown as required by the Sixty-third Section of this Act.

Under Penalty of 500*l.* and Forfeiture of Ship.

XII. If any "Passenger Ship" shall clear out or proceed to Sea without the Master's having first obtained such Certificate, or without his having joined in executing such Bond, as by this Act is required, the Owner, Charterer, or Master thereof, or any of them, shall for each Offence be liable to a Penalty not exceeding *Five hundred Pounds*, and, in addition thereto, the Ship shall be forfeited to the Use of Her Majesty, and may be seized by any Officer of Customs, if found, within *Two* Years from the Commission of the Offence, in any Port or Place in Her Majesty's Dominions; and such Ship shall thereupon be dealt with in the same Manner as if she had been seized as forfeited under any of the Laws relating to the Customs for an Offence incurring Forfeiture under those Laws.

Such Ship to be dealt with as if seized under Laws relating to Customs.

Passengers to be carried only under Poop or on Passenger Decks. Penalty.

XIII. If any Ship shall carry Passengers elsewhere than under the Poop or on the "Passenger Decks," the Master of the Ship shall be liable to a Penalty not exceeding *Five hundred Pounds* nor less than *Twenty Pounds* Sterling.

Arrangements for the Ship.

Number of Passengers to be limited both by Space and Tonnage.

XIV. No Ship shall carry a greater Number of Passengers under the Poop or on the "Upper Passenger Deck" than in the Proportion of One Statute Adult to every *Fourteen* clear Superficial Feet of Deck allotted to their Use if the Ship is not intended to pass within the Tropics, or of One Statute Adult to every *Fifteen* such clear Superficial Feet if the Ship is intended to pass within the Tropics; nor on the "Lower Passenger Deck" a greater Number of Passengers than in the Proportion of One Statute Adult to every *Twenty-five* such clear Superficial Feet; nor, in the whole, a greater Number of Passengers than One Statute Adult to every *Five* Superficial Feet clear for Exercise on the Upper Deck or Poop, or (if secured and fitted on the Top with a Railing to the Satisfaction of the Emigration Officer) on any Round House or Deck House. No Ship, if propelled by Sails only, shall carry a greater Number of Persons (including every Individual on board) than in the Proportion of One Statute Adult

Adult to every *Two* Tons of her registered Tonnage. In the Measurement of the Passenger Decks, the Space for the Hospital and that occupied by such Portion of the Personal Luggage of the Passengers as the Emigration Officer may permit to be carried there is to be included. If there shall be on board of any Ship at or after the Time of Clearance a greater Number, either of Passengers or Persons (except by Births at Sea), than in the Proportions respectively herein-before mentioned, the Master of such Ship shall be liable to a Penalty not exceeding *Ten Pounds* nor less than *Five Pounds* Sterling for each Passenger or Person constituting such Excess.

Arrangements for the Ship.

Penalty.

XV. Provided nevertheless, That nothing in this Act contained shall extend to repeal or vary an Act passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter Eighty-four, intituled "An Act to amend the Passengers Act, 1852," so far as relates to the Passages of Natives of Asia or Africa, and also Passages between the Island of Ceylon and certain Parts of the East Indies.

Act of 16 & 17 Vict. c. 48, not to be repealed.

XVI. The Master of every Ship, whether a "Passenger Ship" or otherwise, carrying Passengers on any Voyage to which this Act extends, shall, before demanding a Clearance for such Ship, sign Two Lists, made out according to the Form contained in Schedule (B.) hereto annexed, correctly setting forth in the Manner therein directed the Name and other Particulars of the Ship, and of every Passenger on board thereof; and the said Lists, when countersigned by the Emigration Officer, where there is One at the Port, shall be delivered by the Master to the Officer of the Customs from whom a Clearance of the said Ship shall be demanded, and such Officer shall thereupon also countersign and return to the said Master One of such Lists, herein-after called "The Master's List;" and the said Master shall note in Writing on such last-mentioned List, and on any additional Lists to be made out as next herein-after provided, the Date and supposed Cause of Death of any Passenger who may die, and the Date of Birth and Sex of any Child who may be born on the Voyage, and shall exhibit such last-mentioned List, with any Additions which may from Time to Time be made thereto, as herein-after directed, to the Chief Officer of Her Majesty's Customs at any Port or Place in Her Majesty's Possessions, or to Her Majesty's Consul at any Foreign Port at which the said Passengers or any of them shall be landed, and shall deposit the same with such Chief Officer of Customs, or such Consul, as the Case may be, at the final Port or Place of Discharge. In case of Noncompliance with any of the Requirements of this Section, or if such Lists shall be wilfully false, the Master shall for each Offence be liable to a Penalty not exceeding *One hundred Pounds* nor less than *Five Pounds* Sterling.

Passengers Lists to be delivered in Duplicate by the Master before Clearance.

Arrangements for the Ship.

Lists of Passengers embarked after Clearance to be delivered by Master.

XVII. If at any Time after such Lists shall have been signed and delivered as aforesaid any additional Passenger shall be taken on board, in every such Case the Master shall, according to the Form aforesaid, add to "The Master's List" the Names and other Particulars of every such additional Passenger, and shall also sign a separate List, made out according to the Form aforesaid, containing the Names and other Particulars of every such additional Passenger; and such last-mentioned List, when countersigned by the Emigration Officer, where there is One at the Port, shall, together with "The Master's List" to which such Addition shall have been made, be delivered to the Chief Officer of Customs as aforesaid, and thereupon such Officer shall countersign "The Master's List," and shall return the same to the said Master, and shall retain the separate List; and so on in like Manner whenever any additional Passenger or Passengers may be taken on board; or if no Officer of Customs shall be stationed at the Port or Place where such additional Passenger or Passengers may be taken on board, the said Lists shall be delivered to the Officer of Customs at the next Port or Place at which such Vessel shall touch or arrive and where any such Officer shall be stationed, to be dealt with as herein-before mentioned: Provided, that when any additional Passengers shall be taken on board the Master shall obtain a fresh Certificate from the Emigration Officer of the Port that all the Requirements of this Act have been duly complied with, before the Ship shall proceed to Sea. In case of Noncompliance with any of the Requirements of this Section, the Master of such Ship shall for each Offence be liable to a Penalty not exceeding *Fifty Pounds* nor less than *Five Pounds* Sterling.

Penalty.

Penalty on Stowaways and their Abettors.

XVIII. If any Person shall be found on board any Passenger Ship, with Intent to obtain a Passage therein without the Consent of the Owner, Charterer, or Master thereof, such Person, and every Person aiding and abetting him in such fraudulent Intent, shall respectively be liable to a Penalty not exceeding *Five Pounds*, and in default of Payment to Imprisonment, with Hard Labour, for a Period not exceeding *Three* Calendar Months; and such Person so found on board may be taken before any Justice of the Peace, without Warrant, and such Justice may summarily hear the Case, and on Proof of the Offence convict such Offender as aforesaid.

All Passenger Ships to be surveyed before clearing out.

XIX. No "Passenger Ship" shall clear out or proceed to Sea unless, before any Part of her Cargo is taken on board, she shall have been surveyed, under the Direction of the Emigration Officer at the Port of Clearance, but at the Expense of the Owner or Charterer thereof, by Two or more competent Surveyors to be appointed by the said Emigration Commissioners for each Port at which there may be an Emigration

tion Officer, and for other Ports by the Commissioners of Customs, nor unless it shall be reported by such Surveyors that such "Passenger Ship" is in their Opinion seaworthy, and fit for her intended Voyage. In case of Noncompliance with any of the Requirements of this Section, the Owner, Charterer, or Master of the Ship, or any of them, shall for each Offence be liable to a Penalty not exceeding *One hundred Pounds*, nor less than *Five Pounds* Sterling: Provided always, that in case any "Passenger Ship" shall be reported by any such Surveyors not to be seaworthy, or not fit for her said intended Voyage, the Owner or Charterer, if he shall think fit, may require, by Writing under his Hand, the Emigration Officer, or in his Absence the Chief Officer of Customs, to appoint Three other competent Surveyors, of whom Two at least shall be Shipwrights, to survey the said Ship, at the Expense of the said Owner or Charterer; and the said Officer shall thereupon appoint such Surveyors, who shall survey the said Ship, and if they shall, by an unanimous Report under their Hands (but not otherwise), declare the said Ship to be seaworthy, and fit for her intended Voyage, the said Ship shall then, for the Purposes of this Act, be deemed seaworthy for such Voyage.

Arrangements for the Ship.

Penalty.

Appeal against Surveyors Opinion.

XX. In every "Passenger Ship" the Beams supporting the "Passenger Decks" shall form Part of the permanent Structure of the Ship: They shall be of adequate Strength, in the Judgment of the Emigration Officer at the Port of Clearance, and shall be firmly secured to the Ship to his Satisfaction. The "Passenger Decks" shall be at least One Inch and a Half in Thickness, and shall be laid and firmly fastened upon the Beams continuously from Side to Side of the Compartment in which the Passengers are berthed. The Height between that Part of any Deck on which Passengers are carried and the Deck immediately above it shall not be less than Six Feet. In case of Noncompliance with any of the Requirements of this Section, the Owner, Charterer, or Master of the Ship, or any of them, shall for each Offence be liable to a Penalty not exceeding *Fifty Pounds* nor less than *Five Pounds* Sterling.

Beams and Decks.

XXI. There shall not be more than Two Tiers of Berths on any One Deck in any "Passenger Ship," and the Interval between the Floor of the Berths and the Deck immediately beneath them shall not be less than Six Inches, nor the Interval between each Tier of Berths and between the uppermost Tier and the Deck above it less than Two Feet Six Inches: The Berths shall be securely constructed, and of Dimensions not less than after the Rate of Six Feet in Length and Eighteen Inches in Width for each Statute Adult, and shall be sufficient in Number for the proper Accommodation of all the Passengers contained in the Lists of Passengers herein-before required to be delivered by the Master of the Ship. No Part of any Berth shall be

Arrangement and Size of Berths.

Arrangements for the Ship.

placed within Nine Inches of any Water-closet erected in the Between-Decks. In case of Noncompliance with any of the Requirements of this Section, the Owner, Charterer, or Master of the Ship, or any of them, shall for each Offence be liable to a Penalty not exceeding *Fifty Pounds* nor less than *Five Pounds* Sterling.

Single Men to be berthed in a separate Compartment.

XXII. In every "Passenger Ship" all the unmarried Male Passengers of the Age of *Twelve* Years and upwards shall, to the Satisfaction of the Emigration Officer at the Port of Clearance, be berthed in the fore Part of the Ship, in a Compartment divided off from the Space appropriated to the other Passengers by a substantial and well-secured Bulk-head, or in separate Rooms if the Ship be fitted with enclosed Berths: Not more than One Passenger, unless Husband and Wife, or Females or Children under *Twelve* Years of Age, shall be placed in the same Berth. In case of Noncompliance with any of the Requirements of this Section, the Owner, Charterer, or Master of the Ship, or any of them, shall for each Offence be liable to a Penalty not exceeding *Fifty Pounds* nor less than *Five Pounds* Sterling.

As to Numbers and Sexes in One Berth.

Berths not to be removed till Passengers landed.

XXIII. No Berths in a "Passenger Ship" occupied by Passengers during the Voyage shall be taken down until *Forty-eight* Hours after the Arrival of such Ship at the Port of final Discharge, unless all the Passengers shall have voluntarily quitted the Ship before the Expiration of that Time. In case of Noncompliance with any of the Requirements of this Section, the Master of such Ship shall be liable for each Offence to a Penalty not exceeding *Fifty Pounds* nor less than *Five Pounds* Sterling.

Hospital.

XXIV. In every "Passenger Ship" there shall be a sufficient Space properly divided off to the Satisfaction of the Emigration Officer at the Port of Clearance, to be used exclusively as a Hospital or Hospitals for the Passengers: This Space shall be under the Poop, or on the Upper Passenger Deck, and not elsewhere, and shall in no Case be less than Thirty-six clear Superficial Feet, with an additional Space of Thirty such Feet for every One hundred Passengers which the Ship shall carry. Such Hospitals shall be fitted with Bed-places, and supplied with proper Beds, Bedding, and Utensils, to the Satisfaction of the Emigration Officer at the Port of Clearance, and throughout the Voyage kept so fitted and supplied. In case of Noncompliance with any of the Requirements of this Section, the Owner, Charterer, or Master of the Ship shall for each Offence be liable to a Penalty not exceeding *Fifty Pounds* nor less than *Five Pounds* Sterling.

Penalty.

Privies.

XXV. No "Passenger Ship" shall clear out or proceed to Sea unless fitted, to the Satisfaction of the Emigration Officer at the Port of Clearance, with at least Two Privies, and with Two additional Privies on Deck for every One hundred Passengers on board, and in

Ships

Arrangements for the Ship.

Ships carrying as many as *Fifty* Female Passengers, with at least Two Water-closets on the "Passenger Decks" for the exclusive Use of the Women and young Children; all of which Privies and Water-closets shall be maintained in a serviceable and cleanly Condition throughout the Voyage, and shall not be taken down until the Expiration of *Forty-eight* Hours after the Arrival of the Ship at the Port of final Discharge, unless all the Passengers sooner quit the Ship; provided that such Privies shall be placed in equal Numbers on each Side of the Ship, and need not in any Case exceed *Twelve* in Number. In case of Noncompliance with any of the Requirements of this Section, the Master shall be liable to a Penalty for each Offence not exceeding *Fifty Pounds* nor less than *Five Pounds* Sterling.

Light and Ventilation.

XXVI. No "Passenger Ship" shall clear out or proceed to Sea without having made such Provision for affording Light and Air to the Passenger Decks as the Circumstances of the Case may, in the Judgment of the Emigration Officer at the Port of Clearance, require; nor if there are as many as One hundred Passengers on board, without having an adequate and proper ventilating Apparatus, to be approved by such Emigration Officer and fitted to his Satisfaction; the Passengers shall, moreover, have the free and unimpeded Use of the whole of each Hatchway situated over the Space appropriated to their Use, and over each such Hatchway there shall be erected such a Boobyhatch or other substantial Covering as shall, in the Opinion of such Emigration Officer, afford the greatest Amount of Light and Air, and of Protection from Wet, as the Case will admit. In case of Noncompliance with any of the Requirements of this Section, the Owner, Charterer, or Master of the Ship, or any of them, shall for each Offence be liable to a Penalty not exceeding *Fifty Pounds* nor less than *Twenty Pounds*.

Penalty.

Boats.

XXVII. Every "Passenger Ship" shall carry throughout the Voyage a Number of Boats according to the following Scale; (that is to say,)

Two Boats for every Ship of less than *Two hundred* Tons:

Three Boats for every Ship of *Two hundred* and less than *Four hundred* Tons:

Four Boats for every Ship of *Four hundred* and less than *Six hundred* Tons:

Five Boats for every Ship of *Six hundred* and less than *Ten hundred* Tons:

Six Boats for every Ship of *Ten hundred* and less than *Fifteen hundred* Tons:

Seven Boats for every Ship of *Fifteen hundred* and upwards:

Provided that no "Passenger Ship" shall be required to carry a greater number of Boats than are sufficient in the Judgment of the Emigration Officer at the Port of Clearance to carry all the Persons on board of such Ship.

Arrangements for the Ship.

Life Boat.

One of such Boats shall in all Cases be a Long Boat, and One shall be a properly fitted Life Boat, which shall be kept properly suspended at the Quarter or Stern of the Ship; and each of such Boats shall be of a suitable Size, to be approved by the Emigration Officer at the Port of Clearance, and shall be seaworthy, and properly supplied with all Requisites, and kept clear at all Times for immediate Use at Sea: There shall likewise be on board each "Passenger Ship" at least Two Chronometers, Three Steering and One Azimuth Compass, Four properly fitted Life Buoys, kept ready at all Times for immediate Use, and some adequate Means, to be approved by the Emigration Officer at the Port of Clearance, of making Signals by Night and in Fogs; also a Fire Engine, in proper working Order, or other Apparatus for extinguishing Fire, to be approved by such Officer; and not less than Three Bower Anchors of such Weight, and with Cables of such Length, Size, and Material, as in the Judgment of such Emigration Officer shall be sufficient for the Size of the Ship. In case of Noncompliance with any of the Requirements of this Section, the Master of the Ship shall for each Offence be liable to a Penalty not exceeding *Fifty Pounds* nor less than *Five Pounds* Sterling.

Life Buoys, Anchors, and Fire Engines, &c.

Crew.

XXVIII. Every "Passenger Ship" shall be manned with an efficient Crew for her intended Voyage, to the Satisfaction of the Emigration Officer from whom a Clearance of such Ship may be demanded, and the Strength of the Crew shall not be diminished, nor any of the Men changed when once passed by such Emigration Officer, without his Consent in Writing. In case of Noncompliance with any of the Requirements of this Section, the Master of the Ship shall for each Offence be liable to a Penalty not exceeding *Fifty Pounds* nor less than *Five Pounds* Sterling.

Certain Articles prohibited as Cargo and Ballast.

XXIX. No "Passenger Ship" shall clear out or proceed to Sea if there shall be on board as Cargo Horses, Cattle, Gunpowder, Vitriol, Lucifer Matches, Guano, or Green Hides, nor if there shall be on board any other Article or Number of Articles, whether as Cargo or Ballast, which by reason of the Nature or Quantity or Mode of Stowage thereof shall, either singly or collectively, be deemed by the Emigration Officer at the Port of Clearance likely to endanger the Health or Lives of the Passengers or the Safety of the Ship: No Part of the Cargo, or of the Passengers Luggage, or of the Provisions, Water, or Stores, whether for the Use of the Passengers or of the Crew, shall be carried on the Upper Deck or on the "Passenger Decks," unless in the Opinion of such Emigration Officer it shall be so placed as not to impede Light or Ventilation, nor interfere with the Comfort of the Passengers; nor unless the same be stowed and secured to the Satisfaction of such Emigration Officer, and the Space occupied thereby on the Passenger Decks, or rendered, in the Opinion of such Emigration Officer, unavailable for the Accommodation of the Passengers,

Stowage of Cargo, Stores, and Luggage to be approved by Emigration Officer.

Passengers, shall, unless occupied by Passengers Luggage, be deducted in calculating the Space by which, under the Provisions of this Act, the Number of Passengers is regulated. In case of Noncompliance with any of the Requirements of this Section, the Owner, Charterer, or Master, or any of them, shall for each Offence be liable to a Penalty not exceeding *Three hundred Pounds* nor less than *Five Pounds* Sterling. *Arrangements for the Ship.*

XXX. For the Purposes of this Act, the Length of the Voyage for a "Passenger Ship" proceeding from the United Kingdom to the under-mentioned Places respectively, shall be determined by the following Scale; (that is to say,) Computation of Voyages.

	If the Ship be propelled by Sails alone.	If the Ship be propelled either wholly or in aid of Sails by Steam Engines of not less Power than after the Rate of 20 Horses to every 100 Registered Tons.
	Days.	*Days.*
To North America (except the West Coast thereof):—		
For Ships clearing out between the Sixteenth Day of January and the Fourteenth Day of October, both Days inclusive	*70*	*40*
For Ships clearing out between the Fifteenth Day of October and the Seventeenth Day of January, both Days inclusive	*80*	*45*
To the West Indies	*70*	*40*
To any Part of the East Coast of the Continent of Central or South America Northward of the Twenty-fifth Degree of South Latitude, except British Guiana	*84*	*50*
To the West Coast of Africa North of the Equator	*84*	*50*
To the Coast of Africa South of the Equator, or to the Falkland Islands, or to any Part of the East Coast of South America Southward of the Twenty-fifth Degree of South Latitude	*105*	*65*
To the Mauritius, and to the Western Coast of America South of the Equator	*126*	*75*
To Ceylon	*140*	*85*
To Western Australia	*120*	*85*
To any other of the Australian Colonies	*140*	*90*
To New Zealand and to the Western Coast of America between the Equator and the Fortieth Degree of North Latitude	*150*	*90*
To the Western Coast of America North of the Fortieth Degree of North Latitude, and the Islands adjacent thereto	*182*	*96*

Arrangements for the Ship.

For the like Purposes, the said Emigration Commissioners, acting by and under the Authority of One of Her Majesty's Principal Secretaries of State, from Time to Time, by any Notice in Writing issued under the Hands of any Two of such Commissioners, and published in the London Gazette, may nevertheless declare what shall be deemed to be the Length of Voyage from the United Kingdom to any of the said herein-before mentioned Places, or to any other Port or Place whatsoever, and may fix such different Lengths of Voyage as they may think reasonable for such different Descriptions of Vessels as aforesaid.

Before Clearance, Provisions and Water to be surveyed.

XXXI. Before any "Passenger Ship" shall be cleared out the Emigration Officer at the Port of Clearance shall survey or cause to be surveyed by some competent Person the Provisions and Water by this Act required to be placed on board for the Consumption of the Passengers, and shall satisfy himself that the same are of a good and wholesome Quality, and in a sweet and good Condition, and are in Quantities sufficient to secure throughout the Voyage the Issues herein-after prescribed: He shall also satisfy himself that over and above the same there is on board, for the victualling of the Crew of the Ship and all other Persons, if any, on board, an ample Supply of pure Water, and of wholesome Provisions and Stores; and that such of the last-mentioned Provisions or Stores as consist of Articles of a like Description to those hereby required for the Consumption of the Passengers are not inferior in Quality to the same: All such Water, Provisions, and Stores shall be provided and properly stowed away in accordance with the Requirements of the Twenty-ninth Section of this Act, by and at the Expense of the Owner, Charterer, or Master of the Ship; and if a Clearance be obtained for any "Passenger Ship" which shall not be then stored with the requisite Quantities of such Water, Provisions, and Stores as are required by this Act, the Owner, Charterer, or Master of such Ship, or any of them, shall for each Offence be liable to a Penalty not exceeding *Three hundred Pounds* Sterling.

Provisions for the Crew not to be inferior to those for the Passengers.

Penalty.

Power to Emigration Officer to reject and mark bad Provisions, and direct the same to be landed.

XXXII. If such Emigration Officer shall consider that any of the Provisions or Stores are not of a good and wholesome Quality, or are not in a sweet or good Condition, it shall be lawful for him to reject and mark the same, or the Packages in which they are contained, and to direct the same to be landed; and if such rejected Provisions or Stores shall not thereupon be forthwith landed, or if, after being landed, the same or any Part thereof shall be reshipped in such Ship, the Owner, Charterer, or Master thereof, or any of them, or if reshipped in any other "Passenger Ship," the Person causing the same to be reshipped, shall for each Offence be liable to a Penalty not exceeding *One hundred Pounds* Sterling.

Penalty.

XXXIII. In

Arrangements for the Ship.

Water Tanks or Casks to be approved by Emigration Officer.

XXXIII. In every "Passenger Ship" the Water to be laden on board, as herein-before required, shall be carried at least One Third of the Quantity in Iron Tanks or Iron Casks, and the rest in Tanks or in Casks to be approved by the Emigration Officer at the Port of Clearance. When Casks are used, they shall be sweet and tight, of sufficient Strength, and if of Wood properly charred inside, and shall not be capable severally of containing more than *Three hundred* Gallons each: The Heads and Staves of the Water Casks shall not be made of Fir, Pine, or soft Wood. In case of Noncompliance with any of the Requirements of this Section, the Owner, Charterer, or Master of such Ship, or any of them, shall for each Offence be liable to a Penalty not exceeding *Fifty Pounds*.

Proviso for touching at intermediate Ports to fill up Water.

XXXIV. If any "Passenger Ship" shall be intended to call at any intermediate Port or Place during the Voyage, for the Purpose of taking in Water, and if an Engagement to that Effect shall be inserted in the Bond mentioned in the Sixty-third Section of this Act, then it shall be sufficient to place on board at the Port of Clearance such Supply of Water as may be requisite, according to the Rate hereinafter mentioned, for the Voyage of the said Ship to such intermediate Port or Place, subject to the following Conditions; (that is to say,)

First, That the Emigration Officer signify his Approval in Writing of the Arrangement, to be carried amongst the Papers of the Ship, and exhibited to the Chief Officer of Customs, or to Her Majesty's Consular Officer, as the Case may be, at such intermediate Port or Place, and to be delivered to the Chief Officer of Customs, or to Her Majesty's Consular Officer, as the Case may be, on the Arrival of the said Ship at the final Port or Place of Discharge:

Secondly, That if the Length of either Portion of the Voyage, whether to such intermediate Port or Place, or from such intermediate Port or Place to the final Port or Place of Discharge, be not prescribed in or under the Provisions of this Act, the Emigration Officer at the Port of Clearance shall in every such Case declare the same in Writing to be carried amongst the Papers of the Ship:

Thirdly, That the Ship shall have on board at the Time a Clearance is demanded Tanks or Water Casks, of the Description herein-before mentioned, sufficient for stowing the Quantity of Water required for the longest of such Portions of the Voyage as aforesaid.

Dietary Scales.

XXXV. The Master of every "Passenger Ship" shall issue for each of the Passengers during the Voyage, including the Time of Detention, if any, at any Port or Place before the Termination of such

Arrangements for the Ship.

Voyage, an Allowance of pure Water and sweet and wholesome Provisions, of good Quality, according to the following Dietary Scale; (that is to say,)

Three Quarts of Water daily, exclusive of the Quantity necessary for cooking the Articles herein-after required to be issued in a cooked State.

Weekly. Per Statute Adult.

- $5\frac{1}{2}$ *lbs.* of Bread or Biscuit, not inferior in Quality to Navy Biscuit.
- *3 lbs.* Wheaten Flour.
- $\frac{1}{2}$ *lb.* of Beef.
- *2 lbs.* of Pork.
- $\frac{1}{2}$ *lb.* preserved Meat or dried Salt Fish.
- $\frac{3}{4}$ *Pint* Peas, to make 3 Pints of Soup.
- *2 oz.* of Tea or *4 oz.* of Cocoa or of Coffee roasted and ground.
- *1 lb.* Sugar.
- *1 Gill* Mixed Pickles.
- $\frac{1}{2}$ *oz.* Mustard.
- *2 oz.* Salt.
- $\frac{1}{4}$ *oz.* Black or White Pepper, ground.

And also, if the Length of the Voyage computed as herein-before mentioned shall exceed 84 Days for Ships propelled by Sails only, or 50 Days for Ships propelled by Steam, or Steam in aid of Sails:

- *8 oz.* Raisins.
- *6 oz.* Suet.
- *8 oz.* preserved Potatoes.
- *4 oz.* Butter.

As to Articles which may be substituted for Bread or Biscuits.

In the above Dietary Scale *5 lbs.* of good Potatoes, or $\frac{1}{4}$ *lb.* of preserved Potatoes, or $1\frac{1}{4}$ *lb.* of Oatmeal, or *1 lb.* of Rice, may, at the Option of the Master of any "Passenger Ship," be substituted for *1 lb.* of Bread or Biscuit, provided that the Quantity of Bread or Biscuit issued during the Week shall not be less than $3\frac{1}{2}$ *lbs.*; and provided that the substituted Articles be set forth in the Contract Tickets of the Passengers. In case of Noncompliance with any of the Requirements of this Section, the Master of the Ship shall be liable for each Offence to a Penalty not exceeding *Fifty Pounds* Sterling.

Penalty.

Provisions to be issued daily, and Articles which re-

XXXVI. In every "Passenger Ship" the Issues of Provisions shall be made daily before *Two* o'Clock in the Afternoon, as near as may be in the Proportion of One Seventh of the weekly Allowance on each Day; the First of such Issues shall be made before *Two* o'Clock in

Arrangements for the Ship.

in the Afternoon of the Day of Embarkation to such Passengers as shall be then on board; and all Articles which require to be cooked shall be issued in a cooked State. In case of Noncompliance with any of the Requirements of this Secction, the Master of the Ship shall for each Offence be liable to a Penalty not exceeding *Fifty Pounds* nor less than *Five Pounds* Sterling.

quire cooking to be cooked.

Emigration Commissioners may authorize an alternative Dietary Scale.

XXXVII. The said Emigration Commissioners for the Time being, acting under the Authority of One of Her Majesty's Principal Secretaries of State, may from Time to Time, by any Notice for that Purpose, issued under the Hands of any Two of such Commissioners, and published in the London Gazette, authorize the Issue of Provisions in any "Passenger Ship" according to such other Dietary Scale (besides that herein-before prescribed) as shall in their Opinion contain in the whole an equivalent Amount of wholesome Nutriment; and after the Publication of such Notice it shall be lawful for the Master of any "Passenger Ship" to issue Provisions to his Passengers either according to the Scale by this Act prescribed, or according to the Scale authorized by the said Commissioners, whichever may have been set forth in the Contract Tickets of the Passengers: Provided always, that the said Commissioners acting under such Authority and by such Notice as aforesaid may revoke or alter any such Dietary Scale authorized by them, as Occasion may require.

Commissioners Dietary Scale may be revoked, &c.

Passengers Stewards.

XXXVIII. Every "Passenger Ship" carrying as many as *One hundred* Passengers shall have on board a seafaring Person, who shall be rated in the Ship's Articles as Passengers Steward, and who shall be approved by the Emigration Officer at the Port of Clearance, and who shall be employed in messing and serving out the Provisions to the Passengers, and in assisting to maintain Cleanliness, Order, and good Discipline among the Passengers, and who shall not assist in any way in navigating or working the Ship. In case of Noncompliance with any of the Requirements of this Section, the Master of the Ship shall for each Offence be liable to a Penalty not exceeding *Fifty Pounds* nor less than *Five Pounds* Sterling.

Passenger Cooks and cooking Apparatus.

XXXIX. Every "Passenger Ship" carrying as many as *One hundred* Passengers shall also have on board a seafaring Man, or if carrying more than *Three hundred* "Statute Adults," Two seafaring Men, to be rated and approved as in the Case of Passengers Stewards, who shall be employed in cooking the Food of the Passengers: A convenient Place for cooking shall also be set apart on Deck; and a sufficient cooking Apparatus, properly covered in and arranged, shall be provided, to the Satisfaction of the said Emigration Officer, together with a proper Supply of Fuel adequate, in his Opinion, for

Arrangements for the Ship.

Penalty.

the intended Voyage. In case of Noncompliance with any of the Requirements of this Section, the Master of the Ship shall for each Offence be liable to a Penalty not exceeding *Fifty Pounds* nor less than *Five Pounds* Sterling.

In what Cases Interpreters to be carried.

XL. In every Foreign "Passenger Ship" in which as many as One Half of the Passengers shall be British Subjects, unless the Master and Officers or not less than Three of them shall understand and speak intelligibly the English Language, there shall be carried, where the Number of Passengers does not exceed *Two hundred and fifty*, One Person, and where it exceeds *Two hundred and fifty*, Two Persons, who understand and speak intelligibly the Language spoken by the Master and Crew and also the English Language, and such Persons shall act as Interpreters, and be employed exclusively in Attendance on the Passengers, and not in the working of the Ship; and no such Ship shall clear out or proceed to Sea without having such Interpreter or Interpreters on board; and the Master of any such Foreign Ship clearing out or proceeding to Sea without having such Interpreter or Interpreters on board as aforesaid shall for each Offence be liable to a Penalty not exceeding *Fifty Pounds* nor less than *Five Pounds* Sterling.

In what Cases a Medical Man must be carried.

XLI. Every "Passenger Ship" shall in the following Cases carry a duly qualified Medical Practitioner, who shall be rated on the Ship's Articles:

First, when the Duration of the intended Voyage, as hereinbefore computed, exceeds *Eighty* Days in the Case of Ships propelled by Sails, and *Forty-five* Days in the Case of Ships propelled by Steam, and the Number of Persons on board (including Cabin Passengers, Officers, and Crew,) exceed *Fifty*:

Second, whenever the Number of such Persons exceeds *Three hundred*.

In case of Noncompliance with any of the Requirements of this Section, the Master shall for each Offence be liable to a Penalty not exceeding *One hundred Pounds* nor less than *Twenty Pounds* Sterling.

Qualification of Medical Man.

XLII. No Medical Practitioner shall be considered to be duly qualified for the Purposes of this Act unless authorized by Law to practise in the United Kingdom, or, in the Case of a Foreign Ship, in the Country to which such Ship may belong, as a Physician, Surgeon, or Apothecary, nor unless his Name shall have been notified to the Emigration Officer at the Port of Clearance, and shall not be objected to by him, nor unless he shall be provided with proper surgical Instruments

struments to the Satisfaction of such Officer. In case any Person shall proceed or attempt to proceed as Medical Practitioner in any "Passenger Ship" without being duly qualified as aforesaid, or contrary to any of the Requirements of this Section, such Person and all Persons aiding or abetting therein shall for each Offence be liable to a Penalty not exceeding *One hundred Pounds* nor less than *Ten Pounds Sterling*.

Arrangements for the Ship.

Penalty.

XLIII. The Owner or Charterer of every "Passenger Ship" shall provide for the Use of the Passengers a Supply of Medicines, Medical Comforts, Instruments, and other Things proper and necessary for Diseases and Accidents incident to Sea Voyages, and for the Medical Treatment of the Passengers during the Voyage, including an adequate Supply of disinfecting Fluid or Agent, together with printed or written Directions for the Use of the same respectively; and such Medicines, Medical Comforts, Instruments, and other Things shall, in the Judgment of the Emigration Officer at the Port of Clearance, be good in Quality, and sufficient in Quantity, for the probable Exigencies of the intended Voyage, and shall be properly packed and placed under the Charge of the Surgeon, when there is One on board, to be used at his Discretion. In case of Noncompliance with any of the Requirements of this Section, the Master of the Ship shall for each Offence be liable to a Penalty not exceeding *Fifty Pounds* nor less than *Five Pounds* Sterling.

Medicines and Medical Comforts.

XLIV. No "Passenger Ship," except as herein-after provided, shall clear out or proceed to Sea until some Medical Practitioner, to be appointed by the Emigration Officer at the Port of Clearance, shall have inspected such Medicines, Medical Comforts, and other Articles as are required to be supplied by the last preceding Section, and also all the Passengers and Crew about to proceed in the Ship, and shall certify to the said Emigration Officer that the said Ship contains a sufficient Supply of Medicines, Medical Comforts disinfecting Fluid or Agent, Instruments, and other Things requisite for the Medical Treatment of the Passengers during the intended Voyage, nor until such Medical Practitioner shall certify and the said Emigration Officer shall be satisfied that none of the Passengers or Crew appear, by reason of any bodily or mental Disease, unfit to proceed, or likely to endanger the Health or Safety of the other Persons about to proceed in such Vessel. Such Medical Inspection of the Passengers shall take place either on board the Vessel, or, at the Discretion of the said Emigration Officer, at such convenient Place on shore before Embarkation as he may appoint; and the Master, Owner, or Charterer of the Ship shall pay to such Emigration Officer a Sum at the Rate of *Twenty Shillings* for every Hundred Persons so examined: Provided also, that in case the Emigration

Medical Inspection of Passengers and Medicines, &c.

Proviso where no

Arrangements for the Ship.

Medical Practitioner can be obtained.

Penalty.

Emigration Officer on any particular Occasion shall be unable to obtain the Attendance of a Medical Practitioner, it shall be lawful for the Master of any such Ship to clear out and proceed to Sea, on receiving from the said Emigration Officer written Permission for the Purpose. In case any "Passenger Ships" shall clear out or proceed to Sea without having complied with all the Requirements of this Section, the Master of such Ship shall for each Offence be liable to a Penalty not exceeding *One hundred Pounds*, nor less than *Five Pounds* Sterling.

Relanding of Passengers on account of Sickness or for purifying Ships.

Penalty.

XLV. If the Emigration Officer at any Port shall be satisfied that any Person on board or about to proceed in any Passenger Ship is by reason of Sickness unfit to proceed, or is for that or any other Reason likely to endanger the Health or Safety of the other Persons on board, or that it is necessary for the Purification of the Ship or otherwise that all or any of the Passengers or Persons on board should be relanded, the said Emigration Officer may require the Master of the Ship to reland all such Passengers or Persons with so much of their Effects and with such Members of their Families as cannot in his Judgment be properly separated from them; and in case of Non-compliance with any of the Requirements of this Section, the Master, Owner, or Charterer of the Ship shall for each Offence be liable to a Penalty not exceeding *Two hundred Pounds* nor less than *Ten Pounds;* and any Passenger or Person so directed to be relanded, and refusing or neglecting to leave the Ship when required to do so, shall be liable to be summarily removed, and to a Penalty not exceeding *Forty Shillings* for each Day which he shall remain on board after the giving of such Direction.

Passengers Rights.

Return of Passage Money to Passengers relanded.

XLVI. Any Passenger so relanded on account of the Sickness of himself or of any Member of his Family who may not be re-embarked and finally sail in such Ship, or any Emigration Officer on his Behalf, shall be entitled to recover, by summary Process, the whole of the Monies which may have been paid by or on account of such Passenger for his Passage, from the Party to whom the same may have been paid, or from the Owner, Charterer, or Master of such Ship, or any of them, at the Option of such Passenger or Emigration Officer.

Subsistence Money to be paid to Passengers relanded.

XLVII. The Master of any Passenger Ship, from which the whole or any Part of the Passengers shall be relanded on account of any of the Reasons mentioned in Section XLV. shall pay to each Passenger so relanded (or if he should be lodged and maintained in any Hulk or Establishment under the Superintendence of the said Emigration Commissioners, then to the Emigration Officer at the Port,) Subsistence Money at the Rate of *One Shilling and Sixpence* a Day until he

he shall be re-embarked or decline or neglect to proceed, or until his Passage Money be returned to him if recoverable under the Forty-sixth Section of this Act. *Passengers Rights.*

Return of Passage Money and Compensation to Passengers where Passages not provided for them according to Contract.

XLVIII. If any Person by whom or on whose Behalf any Contract shall have been made for a Passage in any Ship proceeding on any Voyage to which this Act extends, shall be at the Place of Embarkation before *Six* o'Clock in the Afternoon of the Day of Embarkation appointed in such Contract, and shall, if required, pay the stipulated Passage Money, or the unpaid Balance thereof, and if from any Cause whatever, other than his own Refusal, Neglect, or Default, or the Prohibition of an Emigration Officer, as herein-before mentioned, or the Requirements of any Order in Council, such Passenger shall not be received on board before that hour, or if from any such Cause as aforesaid any Passenger who shall have been received on board shall not either obtain a Passage in such Ship to the Port at which he may have contracted to land, or, together with all the immediate Members of his Family who may be included in such Contract, obtain a Passage to the same Port in some other equally eligible Ship, to sail within *Ten* Days from the Expiration of the said Day of Embarkation, and in the meantime be paid Subsistence Money from the Time and at the Rate herein-after mentioned, such Passenger, or any Emigration Officer on his Behalf, shall be entitled to recover either from the Party to whom or on whose Account the same may have been paid, or (in case such Contract shall have been made with the Owner, Charterer, or Master of such Ship, or with any Person acting on behalf or by the Authority of any of them respectively,) such Owner, Charterer, or Master of such Ship, or any of them, at the Option of such Passenger or Emigration Officer, all Monies which shall have been paid by or on account of such Passengers for such Passage, and also such further Sum, not exceeding *Ten Pounds* in respect of each such Passage, as shall, in the Opinion of the Justices of the Peace who shall adjudicate on the Complaint, be a reasonable Compensation for the Loss or Inconvenience occasioned to such Passenger by the Loss of such Passage.

Subsistence in case of Detention.

XLIX. If any Ship, whether a "Passenger Ship" or otherwise, shall not actually put to Sea, and proceed on her intended Voyage before *Three* o'Clock in the Afternoon of the Day next after the said Day of Embarkation, the Owner, Charterer, or Master of such Ship, or his or their Agent, or any of them, at the Option of such Passenger or Emigration Officer, shall pay to every Passenger entitled to a Passage (or if such Passenger shall be lodged and maintained in any Establishment under the Superintendence of the said Emigration Commissioners, then to the Emigration Officer at the Port of Embarkation,) Subsistence Money after the Rate of *One*

Passengers Rights.

Shilling and Sixpence for each Statute Adult in respect of each Day of Delay for the first *Ten* Days, and afterwards *Three Shillings* a Day for each Statute Adult, until the final Departure of such Ship on such Voyage, and the same may be recovered in manner herein-after mentioned; provided that if any such Ship be unavoidably detained, either by Wind or Weather, and the Passengers be maintained on board in the same Manner as if the Voyage had commenced, no such Subsistence Money shall be payable.

Ships putting back to replenish Provisions, &c.

L. If any "Passenger Ship" shall, after Clearance, be detained in Port for more than *Seven* Days, or shall put into or touch at any Port or Place in the United Kingdom, she shall not put to Sea again until there shall have been laden on board, at the Expense of the Owner, Charterer, or Master of such Ship, such further Supply of pure Water, wholesome Provisions of the requisite Kinds and Qualities, and Medical Comforts and Stores, as may be necessary to make up the full Quantities of those Articles herein-before required for the Use of the Passengers during the whole of the intended Voyage, nor until any Damage she may have sustained shall have been effectually repaired, nor until the Master of the said Ship shall have obtained from the Emigration Officer or his Assistant, or, where there is no such Officer, or in his Absence, from the Officer of Customs at such Port or Place, a Certificate to the same Effect as the Certificate herein-before required to enable the Ship to be cleared out; and in case of any Default herein the said Master shall be liable, on Conviction, as herein-after mentioned, to a Penalty not exceeding *One hundred Pounds* nor less than *Fifty Pounds* Sterling:

Penalty on Master for Default.

Ships putting back to be reported to Emigration Officer.

And, if the Master of any "Passenger Ship" so putting into or touching at any Port or Place as aforesaid shall not within *Twelve* Hours thereafter report in Writing, his Arrival, and the Cause of his putting back, and the Condition of his Ship, and of her Stores and Provisions, to the Emigration Officer, or, as the Case may be, to the Officer of Customs at the Port, and shall not produce to such Officer the Official or "Master's List" of Passengers, such Master shall for each Offence be liable to a Penalty not exceeding *Twenty Pounds* nor less than *Two Pounds* Sterling.

Penalty on Master for Neglect.

In case of Wreck or Damage Passengers to be provided with a Passage by some other Vessel, and maintained in the meantime.

LI. If any "Passenger Ship" shall put into any Port or Place in the United Kingdom in a damaged State, and the Master, Charterer, or Owner shall not give a written Undertaking that the said Ship shall be made sound and seaworthy, and within *Six* Weeks again proceed with her Passengers on her intended Voyage, and if the said Ship shall not accordingly be made seaworthy and proceed on her intended Voyage within that Period, or if any such Ship shall after the Commencement of her Voyage be wrecked, sunk, or otherwise destroyed, or shall from any Cause whatsoever not land her Passengers at the Place

Passengers Rights.

Place where they may have respectively contracted to land, the Owner, Charterer, or Master thereof shall provide the Passengers with a Passage in some other eligible Ship to sail within *Six* Weeks to the Port or Place at which they respectively may have originally contracted to land, and shall in the meantime, if the Passengers be not lodged and maintained on board in the same Manner as if the Ship were at Sea, pay to such Passengers (or if such Passengers shall be lodged or maintained in any Hulk or Establishment under the Superintendence of the said Emigration Commissioners, then to the Emigration Officer at such Port or Place,) Subsistence Money after the Rate of *One Shilling and Sixpence* Sterling for each Statute Adult in respect of each Day of Delay until such Passengers are duly forwarded to their Destination; and if Default shall be made in any of the Requirements of this Section such Passengers respectively, or any Emigration Officer on their Behalf, shall be entitled to recover, by summary Process, as herein-after mentioned, all Monies which shall have been paid by or on account of such Passengers or any of them for such Passage, from the Party to whom or on whose Account the same may have been paid, or from the Owner, Charterer, or Master of such Ship, or any of them, at the Option of such Passenger or Emigration Officer: Provided that the said Emigration Officer may, if he shall think it necessary, direct that the Passengers shall be removed from such "Passenger Ship" at the Expense of the Master thereof; and if after such Direction any Passenger shall refuse to leave such Ship, he shall be liable to a Penalty not exceeding *Forty Shillings* or to Imprisonment not exceeding *One Calendar Month*.

In Default, Passage Money to be returned.

Power to remove Passengers from Ship;

Penalty on Passengers refusing.

LII. If the Passengers or Cabin Passengers of any "Passenger Ship" shall be taken off from any such "Passenger Ship" or shall be picked up at Sea from any Boat, Raft, or otherwise, it shall be lawful, if the Port or Place to which they shall be conveyed shall be in the United Kingdom, for One of Her Majesty's Principal Secretaries of State, or if in any of Her Majesty's Colonial Possessions, for the Governor of such Colony, or for any Person authorized by him for the Purpose, or if in any Foreign Country, for Her Majesty's Consular Officer, at such Port or Place therein, to defray all or any Part of the Expenses thereby incurred.

Secretary of State, Governor, or Consul may pay Expenses of taking off Passengers at Sea.

LIII. If any Passenger or Cabin Passengers of any "Passenger Ship" shall, without any Neglect or Default of his own, find himself within any Colonial or Foreign Port or Place other than that at which he may have contracted to land, and the Master of such Ship shall decline or omit within *Six* Weeks thereafter to forward or carry him on to his original Destination, it shall be lawful for the Governor of such

Governors or Consuls may send on shipwrecked Passengers if the Master of the Ship fail to do so.

Passengers Rights.

such Colony, or for any Person authorized by him for the Purpose, or for Her Majesty's Consular Officer at such Foreign Port or Place, as the Case may be, to forward such Passenger to his intended Destination.

Expenses incurred under the Two preceding Sections to be a Crown Debt.

LIV. All Expenses incurred under the last Two preceding Sections or either of them, by or by the Authority of such Secretary of State, Governor, Consular Officer, as aforesaid, including the Cost of maintaining the Passengers until forwarded to their Destination, and of all necessary Bedding, Provisions, and Stores, shall become a Debt to Her Majesty and Her Successors from the Owner, Charterer, and Master of such Ship, and shall be recoverable from them, or from any One or more of them, at the Suit and for the Use of Her Majesty, in like Manner as in the Case of other Crown Debts; and a Certificate purporting to be under the Hand of any such Secretary of State, Governor, or Consular Officer, (as the Case may be,) stating the total Amount of such Expenses, shall in any Suit or other Proceeding for the Recovery of such Debt be received in Evidence without Proof of the Handwriting or of the official Character of such Secretary of State, Governor, or Consular Officer, and shall be deemed sufficient Evidence of the Amount of such Expenses, and that the same were duly incurred: Provided nevertheless, that in no Case shall any larger Sum be recovered on account of such Expenses than a Sum equal to *twice* the total Amount of Passage Money received by the Owner, Charterer, or Master of such Passenger Ship, or any of them, from or on Account of the whole Number of Passengers and Cabin Passengers, who may have embarked in such Ship; which total Amount of Passage Money shall be proved by the Defendant, if he will have the Advantage of this Limitation of the Debt; but if any such Passengers are forwarded or conveyed to their intended Destination under the Provisions of the last preceding Section, they shall not be entitled to the Return of their Passage Money, or to any Compensation for Loss of Passage under the Provisions of this Act.

Passengers forwardedby Governor or Consul not entitled to a Return of Passage Money.

Insurance of Passage Money not to be void on account of the Nature of the Risk.

LV. No Policy of Assurance effected in respect of any Passages, or of any Passage or Compensation Monies, by any Person by this Act made liable, in the Events aforesaid, to provide such Passages or to pay such Monies, shall be deemed to be invalid by reason of the Nature of the Risk or Interest sought to be covered by such Policy of Assurance.

Miscellaneous.

Wrongfully landing Passengers.

LVI. If any Passenger in any Ship, whether a "Passenger Ship" or otherwise, shall be landed, without his previous Consent, at any Port or

Miscellaneous.

or Place other than the Port or Place at which he may have contracted to land, the Master shall for each Offence be liable to a Penalty not exceeding *Fifty Pounds* nor less than *Ten Pounds* Sterling. Penalty.

Passengers to be maintained for 48 Hours after Arrival.

LVII. Every Passenger in a "Passenger Ship" shall be entitled, for at least *Forty-eight* Hours next after his Arrival at the End of his Voyage, to sleep in the Ship, and to be provided for and maintained on board thereof, in the same Manner as during the Voyage, unless within that Period the Ship shall quit such Port or Place in the further Prosecution of her Voyage. In case of Noncompliance with any of the Requirements of this Section, the Master shall for each Offence be liable to a Penalty not exceeding *Five Pounds* Sterling. Penalty.

Passengers Right of Action preserved.

LVIII. Nothing herein contained shall take away or abridge any Right of Action which may accrue to any Passenger in any Ship, or to any other Person, in respect of the Breach or Nonperformance of any Contract made or entered into between or on behalf of any such Passenger or other Person, and the Master, Charterer, or Owner of any such Ship, or his or their Agent, or any Passage Broker.

Her Majesty may, by Orders in Council, prescribe Rules for preserving Order, Health, &c. in Vessels bound to the Colonies, and in Times of Epidemic to prohibit or check Emigration.

LIX. It shall be lawful for Her Majesty, by any Order in Council, to prescribe such Rules and Regulations as to Her Majesty may seem fit, for the following Purposes; (that is to say,)

1st. For preserving Order, promoting Health, and securing Cleanliness and Ventilation on board of "Passenger Ships" proceeding from the United Kingdom to any Port or Place in Her Majesty's Possessions abroad.

2d. For permitting the Use on board of "Passenger Ships" of an Apparatus for distilling Water, and for defining in such Case the Quantity of fresh Water to be carried in Tanks or Casks for the Passengers.

3d. For prohibiting Emigration from any Port or Ports at any Time when Choleraic or any Epidemic Disease may be generally prevalent in the United Kingdom or any Part thereof, or for reducing the Number of Passengers allowed to be carried in "Passenger Ships" generally, or from any particular Ports under the Provisions of this Act.

4th. For requiring duly qualified Medical Practitioners to be carried in "Passenger Ships," in Cases where they would not be required to be carried under the Provisions of this Act.

Gazette and Copies printed by Queen's Printer to be Evidence of Orders, &c.

Any such Order in Council may from Time to Time in like Manner be altered, amended, and revoked, as Occasion may require. Any Copy of such Order in Council contained in the London Gazette, or purporting to be printed by the Queen's Printer, shall throughout Her Majesty's Dominions be received in all legal Proceedings as good

Miscellaneous.

good and sufficient Evidence of the making and Contents of any such Order in Council.

Surgeon or Master to exact Obedience to Rules and Regulations.

Penalty.

LX. In every such "Passenger Ship" the Medical Practitioner on board, aided by the Master thereof, or, in the Absence of such Medical Practitioner, the Master of such Ship, is hereby empowered to exact Obedience to all Rules and Regulations which may be prescribed by any such Order in Council to be observed on board Passenger Ships as aforesaid; and any Person on board who shall neglect or refuse to obey any such Rule or Regulation, or who shall obstruct the Medical Practitioner or Master of such Ship in the Execution of any Duty imposed upon him by any such Rule or Regulation, or who shall be guilty of riotous or insubordinate Conduct, shall be liable for each Offence to a Penalty not exceeding *Two Pounds* Sterling, and, in addition thereto, to be confined in the Common Gaol for any Period not exceeding *One Month*, at the Discretion of the Justices who shall adjudicate on the Complaint.

Emigration Commissioners to prepare an Abstract of Act and Orders in Council.

Such Abstract to be posted up in each Ship.

Penalty on Master for Neglect;

and on Person defacing Abstract.

LXI. The said Emigration Commissioners shall from Time to Time prepare such Abstracts as they may think proper of the whole or any Part of this Act, and of any such Order in Council as aforesaid; and Four Copies of such Abstracts, together with a Copy of this Act, shall, on Demand, be supplied by the Principal Officer of Customs at the Port of Clearance to the Master of every "Passenger Ship" proceeding from the United Kingdom to any Port or Place in Her Majesty's Possessions abroad; and such Master shall, on Request made to him, produce a Copy of this Act to any Passenger on board, for his Perusal, and, further, shall post, previous to the Embarkation of the Passengers, and shall keep posted so long as any Passenger shall be entitled to remain in the Ship, in at least Two conspicuous Places between the Decks on which Passengers may be carried, Copies of such Abstracts; and such Master shall be liable to a Penalty not exceeding *Forty Shillings* Sterling for every Day during any Part of which by his Act or Default such Abstracts shall fail to be so posted; and any Person displacing or defacing such Abstracts so posted shall be liable to a Penalty not exceeding *Forty Shillings* Sterling.

Sale of Spirits prohibited on board Passenger Ships. Penalty.

LXII. If in any "Passenger Ship" any Person shall during the Voyage, directly or indirectly, sell or cause to be sold any Spirits or Strong Waters to any Passenger, he shall be liable for every such Offence to a Penalty not exceeding *Twenty Pounds* nor less than *Five Pounds* Sterling.

Bond to be given by Masters of

LXIII. Before any "Passenger Ship" shall clear out or proceed to Sea, the Master, together with the Owner or Charterer of the Ship, or,

Miscellaneous.

British and Foreign Passenger Ships.

or, in the event of the Absence of such Owner or Charterer, or if the Master be the Owner or Charterer, One other good and sufficient Person, to be approved by the Chief Officer of Customs at the Port of Clearance, shall enter into a joint and several Bond, in the Sum of *Two thousand Pounds*, to Her Majesty, Her Heirs and Successors, according to the Form contained in Schedule (C.) hereto annexed. Such Bond shall not be liable to Stamp Duty, and shall be executed in Duplicate.

Counterpart of Bond to be certified, and sent to the Colony to which Ship bound, and to be received in Evidence without further Proof of Execution.

LXIV. It shall be the Duty of the Chief Officer of Customs at the Port of Clearance of any "Passenger Ship" bound to any of Her Majesty's Possessions abroad, to certify on One Part of such Bond that it has been duly executed by the said Master of such Ship and the other Obligor, and to forward the same by Post to the Colonial Secretary of the Colony to which such "Passenger Ship" may be bound; and such Certificate shall, in any Colonial Court of Judicature in which the Bond may be put in suit, be deemed conclusive Evidence of the due Execution of the Bond by the said Master and the other Obligor, and it shall not be necessary to prove the Handwriting of the Officer of Customs who may have signed such Certificate, nor that he was at the Time of signing it Chief Officer of Customs at the Port of Clearance; provided that no such Bond shall be put in suit in any of Her Majesty's Possessions abroad after the Expiration of *Three* Calendar Months next after the Arrival therein of the said Ship, nor in the United Kingdom after the Expiration of Twelve Calendar Months next after the Return of the said Ship or of the said Master to the United Kingdom.

Passage Brokers.

No Person to act as a Passage Broker without a Licence.

LXV. No Person whatever, except the said Emigration Commissioners, or Persons contracting with them or acting under their Authority, shall directly or indirectly act as a Passage Broker in respect of Passages from the United Kingdom to any Place out of Europe, and not being within the Mediterranean Sea, or shall sell or let, or agree to sell or let, or be in anywise concerned in the Sale or Letting of Passages in any Ship, whether a "Passenger Ship" or otherwise, proceeding from the United Kingdom to any such Place as aforesaid, unless such Person, with Two good and sufficient Sureties to be approved by the Emigration Officer at the Port nearest to the Place of Business of such Person, shall have previously entered into a joint and several Bond, in the sum of *Five hundred Pounds*, to Her Majesty, Her Heirs and Successors, according to the Form contained in Schedule (D.) hereto annexed, which Bond shall be renewed on each Occasion of obtaining such Licence as herein-after mentioned, and shall be in Duplicate, without Stamps, and One Part thereof shall be deposited at the Office in London of the said

Passage Brokers.

said Emigration Commissioners, and the other Part thereof with the Chief Officer of Customs at the Port nearest to the Place of Business of such Person; nor unless such Person shall have obtained a Licence, as herein-after mentioned, to let or sell Passages, nor unless such Licence shall then be in force; and if any Person shall offend in any Particular against this Enactment, every Person so offending shall for each Offence be liable to a Penalty not exceeding *Fifty Pounds* nor less than *Twenty Pounds*, to be sued for and recovered as herein-after mentioned: Provided always, that such Bond shall not be required of any Person who shall be One of the Sworn Brokers of the City of London.

How Passage Brokers Licences may be obtained.

LXVI. Any Person wishing to obtain a Licence to act as a Passage Broker in respect of Passages from the United Kingdom to any Place out of Europe, and not being in the Mediterranean Sea, shall make Application for the same to the Justices at the Petty Sessions held for the District or Place in which such Person shall have his Place of Business; and such Justices are hereby authorized (if they shall think fit) to grant a Licence for that Purpose, according to the Form in the Schedule (E.) hereunto annexed, which Licence shall continue in force until the *Thirty-first Day of December* in the Year in which such Licence shall be granted, and for *Thirty-one* Days afterwards, unless sooner forfeited, as herein mentioned; and upon granting such Licence the Justices shall cause a Notice thereof according to the Form in Schedule (F.) hereto annexed to be transmitted forthwith by the Post to the said Emigration Commissioners at their Office in London: Provided always, that no such Licence shall be granted unless the Party applying for the same shall show to the Satisfaction of the Justices that he has given such Bond to Her Majesty, Her Heirs and Successors, as herein-before required, and has deposited One Part thereof at the Office in London of the said Commissioners, or is a Sworn Broker of the City of London, and has in either Case given Notice to the said Commissioners *Fourteen* clear Days at least before such Application of his Intention to apply for the same, which Notice shall be transmitted by the Post to the Office in London of the said Commissioners, and shall be according to the Form contained in the Schedule (G.) hereto annexed: Provided also, that any Justices of the Peace who shall adjudicate on any Offence against this Act, or on any Breach or Nonperformance of any of the Requirements thereof, are hereby authorized, if they shall think fit, and the Offender is a Passage Broker, to order his Licence to be forfeited, and the same shall thereupon be forfeited accordingly; and the said Justices making such Order shall forthwith cause Notice of such Forfeiture, in the Form contained in the Schedule (H.) hereunto annexed, to be transmitted by the Post to the

Justices to give Notice to Emigration Commissioners of Licence granted.

Notice to be given to Emigration Commissioners of intended Application for Licences.

Power to Justices to order Licences to be forfeited, who shall give Notice of the same to Emigration Commissioners.

Passage Brokers.

As to Application for Licences in Scotland.

the said Commissioners at their Office in London: In Scotland, where any Person wishing to obtain such Licence shall make Application for the same to the Sheriff or Steward or Sheriff Substitute or Steward Substitute, in place of to such Justices of the Peace as aforesaid, the Forms given in the said Schedule shall still be adhered to, with such Alterations as may be necessary.

Existing Licences to continue in force until 1st Feb. 1856.

LXVII. Every Passenger Broker's Licence in force at the Commencement of this Act shall, unless adjudged to be forfeited, continue in force until the *First Day of February One thousand eight hundred and fifty-six*, but no longer; and all Acts done under such Licence while in force shall be as valid as if done under any Licence granted under this Act.

Unlicensed Persons not to act as Agents for Passage Brokers, nor Passage Brokers for unlicensed Persons.

LXVIII. No Person shall directly or indirectly be concerned in selling or letting Passages under this Act, as the Agent, or on behalf of a licensed Passage Broker, unless he is himself duly licensed, nor unless he holds a written Authority from his Principal, which Authority shall be produced to any Emigration Officer, on Demand; and no licensed Passage Broker shall act as the Agent of any unlicensed Person in the Sale or letting of Passages under this Act. In case of Noncompliance with the Requirements of this Section, the Person offending shall for each Offence be liable, summarily, to a Penalty not exceeding *Twenty Pounds* nor less than *Five Pounds* Sterling.

Penalty on Persons fraudulently inducing others to engage Passages.

LXIX. If any Person shall by false Representation as to the Size of a Ship, or otherwise, or by any false Pretence or Fraud whatsoever, induce any Person to engage a Passage in any Ship, the Person so offending shall for each Offence be liable to a Penalty not exceeding *Twenty Pounds* nor less than *Five Pounds* Sterling.

Contract Tickets for Cabin and other Passengers.

LXX. Every Person whatsoever, except the said Emigration Commissioners and Persons acting for them and under their direct Authority, who shall receive Money from any Person for or in respect of a Passage or of a Cabin Passage from the United Kingdom to any Place out of Europe, and not being within the Mediterranean Sea, and whether in a "Passenger Ship," or otherwise, shall give to the Person paying such Money a Contract Ticket, signed by the Owner, Charterer, or Master of the Ship in which the Passage is to be provided, or by some Person in their or his Name, and on their or his Behalf: Such Contract Ticket shall be made out in plain and legible Characters on a Printed Form, which in the Case of Cabin Passengers shall be according to the Form contained in Schedule (I.) hereto annexed, and in the Case of all other Passengers in the Form contained in Schedule (K.) hereto annexed, or according to such other Form as in either

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either Case may from Time to Time be prescribed by the said Emigration Commissioners in any Notice issued under their Hands, or the Hands of any Two of them, and published in the London Gazette: And any Directions contained on the Face of such Form of Contract Ticket shall be obeyed in the same Manner as if herein set forth. In case of Noncompliance with any of the Requirements of this Section, or of any of the Directions on such Form of Contract Ticket, which shall not be inconsistent with this Act, the Person so offending shall for each Offence be liable to a Penalty not exceeding *Fifty Pounds*, nor less than *Five Pounds* Sterling: Provided always, that such Contract Tickets shall not be liable to any Stamp Duty.

Penalty for inducing any one to part with Contract Ticket.

LXXI. Any Person who shall alter or cause to be altered, after it is once issued, or shall induce any Person to part with, render useless, or destroy any such Contract Ticket, during the Continuance of the Contract which it is intended to evidence, shall be liable in each Case to a Penalty not exceeding *Twenty Pounds* Sterling.

Summary Remedy for Breach of Contract.

LXXII. Any Question which may arise respecting the Breach or Nonperformance of any of the Stipulations in such Contract Ticket, may, at the Option of any Passenger or Cabin Passenger interested therein, be heard and determined in a summary Way by the Justices of the Peace, Magistrates, Sheriffs, or other Officers herein-after authorized to adjudicate on Offences and Complaints under the Act, who are hereby authorized to try such Questions, and if they shall find that a Breach of Contract has been committed, to award to the Complainant such Damages and Costs as they may think fit; and if such Damages and Costs be not at once paid, Payment thereof shall thereupon be enforced, in the same Manner and by the same Processes as the Payment of Subsistence Money, or the Return of Passage Money may be enforced under this Act; Provided that if any Passenger shall have obtained Compensation or Redress, under any of the other Provisions of this Act he shall not be entitled to sue under this Section for Damages for the Matter or Cause of Complaint.

Penalty on Cabin Passengers and on Masters, &c. omitting to produce Contract Tickets.

LXXIII. If any Cabin or other Passenger shall, on Demand of any Emigration Officer, refuse or omit to produce his Contract Ticket, or if any Owner, Charterer, or Master of a Ship, shall on like Demand refuse or omit to produce the Counterpart of any Contract Ticket issued by them, or on their Behalf, for the Inspection of such Emigration Officer, and for the Purposes of this Act, every Person so offending against the Requirements of this Section shall for each Offence be liable summarily to a Penalty not exceeding *Ten Pounds* nor less than *Two Pounds*.

LXXIV. Any

Penalty on Persons acting as Runners without Licence and Badge, and on Passage Brokers employed unlicensed Runners.

LXXIV. Any Person who shall act as an "Emigrant Runner" without having previously been licensed and registered as herein-after mentioned, or who while so acting shall omit to wear conspicuously on his Breast such Badge as herein-after mentioned, or who shall employ as an "Emigrant Runner" any Person not duly licensed and Registered, shall for each Offence be liable to a Penalty not exceeding *Five Pounds* nor less than *Twenty Shillings*.

Mode of Licencing and Registering Runners.

LXXV. The Justices of the Peace at any Petty Sessions held for the District or Place within which any Person wishing to act as an "Emigrant Runner" is to carry on his Business may upon the Recommendation in Writing of the Chief Constable or other Head Officer of Police of such District or Place (but not otherwise) grant, if they shall think fit, to such Person wishing to act as Runner a Licence for that purpose according to the Form in Schedule (L.) hereto annexed, and such Runner shall within *Forty-eight* Hours thereafter (under a Penalty not exceeding *Forty Shillings* for any Default) lodge such Licence with the nearest Emigration Officer, who shall register the Name and Abode of such Runner in a Book to be kept for that Purpose, and shall number each Name registered in arithmetical Progression, and shall supply to such Runner, on his paying a Sum not exceeding *Five Shillings* for the same, a Badge of such Form and Description as shall be approved by the said Emigration Commissioners.

Emigrant Runner's Licence to be renewed annually.

LXXVI. Every such "Emigrant Runner's" Licence shall continue in force until the *Thirty-first Day of December* in the Year in which it shall be granted, unless sooner revoked by any Justice of the Peace, for any Offence against this Act or for any other Misconduct committed by the Holder of such Licence. In case of any renewed Licence it shall be sufficient for the Emigration Officer to note the Fact, and the Date of the Renewal, in his Registry Book against the original Entry therein of the Name of the Runner holding such renewed Licence.

Penalty on Runner for certain Acts of Misconduct.

LXXVII. If any "Emigrant Runner" shall refuse or fail to produce, on Demand, his Badge for Inspection, or to permit any Person to take the Number thereof, or if he shall fail within *Forty-eight* Hours to give to the Emigration Officer of the Port or Place within which he is licensed to act Notice in Writing of any Change in his Place of Abode, in order that his new Abode may be registered, or of the Loss of his Badge, or if he shall mutilate or deface his Badge or wear the same while unlicensed, or wear any other than the one delivered to him by such Emigration Officer as aforesaid, or permit any other Person to use his Badge, he shall for each such offence be

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liable to a Penalty not exceeding *Forty Shillings* and to the Forfeiture of his Licence, if the convicting Justices or Magistrate shall so determine; and any Person retaining or using any "Emigrant Runner's" Badge not issued to him under the Provisions of this Act, or counterfeiting or forging any such Badge, shall for each such Offence be liable to a Penalty not exceeding *Five Pounds*.

Penalty on Persons using Badges not lawfully issued to them.

How fresh Badges may be obtained in case the old ones are lost or mutilated.

LXXVIII. Such Emigration Officer as last aforesaid may, if he thinks fit, on Payment to him of the Sum of *Five Shillings*, deliver a new Badge to any licensed "Emigrant Runner" who shall satisfy such Officer that he has lost his original Badge, or who shall deliver up the same in a mutilated or defaced State.

No Runner entitled to Commission or Fee for Services to Emigrants, unless acting with Authority from a Broker.

LXXIX. No "Emigrant Runner," unless acting under the written Authority and on behalf of a licensed Passage Broker, duly qualified at the Time to act in that Capacity (which Authority shall be countersigned by an Emigration Officer,) shall be entitled to recover by legal Process from any intending Emigrant, or from any Passage Broker or other Person, any Fee, Commission, or Reward for or in consideration of any Service rendered or performed to or for any Passenger or Person seeking Information or Assistance in any way relating to Emigration; and every such Runner shall exhibit such Authority, when required so to do by any Justice of the Peace or any Constable or Police Officer, or any Owner, Charterer, Master, or Mate of a "Passenger Ship," or by any such intending Emigrant, and if he shall refuse or omit to produce the same, when so required, he shall be liable to a Penalty for every such Offence not exceeding *Twenty Shillings*.

List of Runners to be exhibited by Brokers and sent to Emigration Officers.

LXXX. Every licensed Passage Broker shall exhibit and keep constantly exhibited in some conspicuous Place in his Office or Place of Business a correct List, in plain and legible Characters, containing the Names and Addresses in full of every Person for the Time being holding such Authority to act as his Agent or as an Emigrant Runner for him as aforesaid, and shall on or before the *Fifth* Day, or if that Day be a Sunday, on or before the *Fourth* Day in every Month transmit a true Copy of such List, duly signed by him, to the Emigration Officer stationed nearest to the Place of Business of such licensed Passage Broker, and shall report to such Emigration Officer every Discharge or fresh Engagement of an Agent or of an "Emigrant Runner" within *Twenty-four* Hours of the same taking place. In case of Non-compliance with any of the Requirements of this Section, the Person so offending shall be liable for each Offence to Penalty not exceeding *Five Pounds* nor less than *Two Pounds*.

LXXXI. It

Passage Brokers.

Trustees of Docks may pass Byelaws for regulating the Landing and Embarkation of intending Emigrants, and for licensing Emigrant Porters.

LXXXI. It shall be lawful for the Trustees or other Persons charged with the Management of any Docks or Basins in any Port within the United Kingdom from which "Passenger Ships" are despatched to make, and from Time to Time to alter, amend, or repeal, such Rules and Byelaws as may be necessary for prescribing the Docks, Basins, or other Places at which Persons arriving by Sea at such Ports for the Purpose of emigrating, or actually emigrating therefrom, shall be landed and embarked, and the Mode of their Landing and Embarkation, and for licensing Porters to carry their Luggage and otherwise to attend upon them, and for the Storing and safe Custody of their Luggage, and for admitting Persons to and excluding Persons from Access to such Docks or Basins, and for attaching a Penalty not exceeding *Five Pounds* for the Breach of any of such Rules or Byelaws, such Penalty to be sued for and recovered as other Penalties are by this Act directed to be recovered: And it shall further be lawful for such Trustees, by their Officers or Servants, or by any Police Officer, to arrest and detain any Person charged with the Breach of any such Rule or Byelaw until brought before any Justice of the Peace, who is hereby authorized to adjudicate on the Offence in a summary Way: Provided that no such Rules or Byelaws shall take effect until they shall have been approved by One of Her Majesty's Principal Secretaries of State, and published by his Authority in the London Gazette, which Publication shall for all Purposes be deemed conclusive Evidence of such Rules and Byelaws, and of the Approval thereof by such Secretary of State.

Byelaws to be approved by Secretary of State, and published in the London Gazette.

Penalty for falsifying Documents to obtain Passages from Emigration Commissioners, and for Personation.

LXXXII. And whereas the said Emigration Commissioners and Persons acting under their Authority issue from Time to Time certain Forms of Application and other Papers for the Use of Persons desirous of emigrating by their Assistance: And whereas it is expedient to afford additional Security against the Falsification or Misuse of such Forms and Papers, and of any Certificate of Marriage or of Baptism, or other Document adduced in support of any Application to the said Commissioners for such Assistance: Be it therefore enacted, That if any Person shall wilfully make any false Representation in any such Form of Application, Paper, Certificate, or Document as aforesaid, or shall forge or fraudulently alter any Signature or Statement contained therein respectively, or shall personate any Person named therein respectively, or shall aid or in any way abet any Person in any such false Representation, Forgery, Alteration, or Personation, the Person so offending shall be liable for each such Offence to a Penalty not exceeding *Fifty Pounds* nor less than *Two Pounds* Sterling.

Procedure for Penalties, &c.

By whom Penalties are to be recovered.

LXXXIII. All Penalties and Forfeitures imposed by this Act shall be sued for in the United Kingdom by any Emigration Officer or his Assistant, or by any Collector or Comptroller of Her Majesty's Customs, or by any other Officer of Her Majesty's Customs authorized in Writing by the Commissioners of Her Majesty's Customs to sue for Penalties and Forfeitures under this Act, and in any of Her Majesty's Possessions abroad by any Government Emigration Agent, or by any such Collector or Comptroller of Customs, or other Officer of Customs so authorized as aforesaid, or by any Officer authorized to sue for Penalties and Forfeitures under this Act by Writing under the Hand and Seal of the Governor of any such Possession; and the Commissioners of Her Majesty's Customs and every such Governor are hereby respectively empowered to grant such Authority as aforesaid: And all Sums of Money made recoverable by this Act as Return of Passage Money, Subsistence Money, Damages, or Compensation may be sued for and recovered by and for the Use of any Passenger entitled thereto under this Act, or by any such Officer as aforesaid, for and on behalf and to the Use of any such Passenger or any Number of such Passengers respectively, and in any Case either by One or several Informations or Complaints.

By whom Passage, Subsistence, and Compensation Monies may be recovered.

Tribunal for adjudicating on Offences and Complaints under this Act.

LXXXIV. All Penalties imposed and all Sums of Money made recoverable under this Act, by way of Passage Money, Subsistence Money, Compensation, or Damages for the Breach of any Stipulation in any Contract Ticket, shall and may be sued for and recovered before any Two or more Justices of the Peace acting in any Part of Her Majesty's Dominions or Possessions in which the Offence shall have been committed or the Cause of Complaint shall have arisen, or in which the Offender or Party complained against shall happen to be, or acting in any County or Borough, or Place adjacent to any navigable River or Inlet of the Sea on which such Offence shall have been committed or Cause of Complaint have arisen; and upon Information or Complaint made before any One Justice of the Peace acting as aforesaid, he shall issue a Summons, according to the Form in the Schedule (M.) hereto annexed, requiring the Party offending or complained against to appear at a Time and Place to be named therein; and every such Summons shall be served on the Party offending or complained against, or shall be left at his last known Place of Abode or of Business, or on board any Ship to which he may belong; and if such Party shall not appear accordingly, then (upon Proof of the due Service of the Summons by delivering the Summons or a Copy thereof to the Party, or at his last known Place of Abode or of Business, or on board any Ship to which he may belong, to the Person in charge of any such Ship,) any Two of such Justices so acting as aforesaid may either hear and determine the Case in the Absence of the Party, or either of them may issue his

his Warrant for apprehending and bringing such Party before them or any Two Justices so acting as aforesaid; or the Justice before whom the Charge shall be made, if he shall have Reason to suspect, from Information upon Oath, that the Party is likely to abscond, may issue such Warrant in the first instance, without any previous Summons; and either upon the Appearance of the Party offending or complained against, or in his Absence as aforesaid, any Two of such Justices so acting as aforesaid may hear and determine the Case, either with or without any written Information or Complaint; and upon Proof of the Offence, or of the Complainant's Claim, (as the Case may be,) either by Confession of the Party offending or complained against, or upon the Oath of One or more credible Witness or Witnesses (and the Justices are hereby authorized to summon and swear any Witnesses who may be deemed necessary), it shall be lawful for such Justices so acting as aforesaid to convict the Offender, or to adjudicate upon the Complaint, (such Conviction or Adjudication to be drawn up according to One of the Forms of Conviction or Adjudication contained in Schedule (N.) hereto annexed, or as near thereto as the Circumstances of the Case will admit,) and upon every such Conviction to order the Offender to pay such Penalty as they may think proper, not exceeding the Penalties herein-before imposed, and upon every such Adjudication to order the Party complained against to pay to the Party suing for the same the Sum of Money or Damages sued for, or so much thereof as such Justices shall think the Complainant justly entitled to, together with, in every Case, the Costs of the Proceedings; and if the Monies and Costs mentioned in such Conviction or Adjudication be not paid immediately or within the Time limited in the Order it shall be lawful for any Two of such Justices so acting as aforesaid, by Warrant, (and although the written Order of Conviction or Adjudication, or any Minute thereof, may not have been served,) to cause the Party offending to be committed to Gaol, there to be imprisoned, with or without Hard Labour, according to the Discretion of such Justices, for any Term not exceeding *Three* Calendar Months, unless such Monies and Costs be sooner paid and satisfied: Provided always, that in all Proceedings taken under this Act for which no Form is herein expressly provided it shall be lawful to use Forms similar, as nearly as Circumstances will admit, to those contained in the Schedule to an Act passed in the Session of Parliament holden in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Forty-three.

Procedure for Penalties, &c.

LXXXV. Every Police or Stipendiary Magistrate, and in Scotland every Sheriff or Steward and Sheriff Substitute or Steward Substitute of a County or Stewartry within his own County or Stewartry, shall have such and the like Powers, Privileges, and Functions, and be entitled

Police and Stipendiary Magistrate and in Scotland Sheriff &c., to have the same

Powers as Justices of the Peace.

entitled to exercise such and the like Jurisdiction under this Act, as any Justice or Two Justices, or Justices at Petty Sessions, have or is or are entitled to exercise under the Provision of this Act; and all Acts, Matters, and Things competent to be done under the Provisions of this Act by or before any Justice or Two Justices of the Peace, or Justices at Petty Sessions, or otherwise, may be done by and before any Police or Stipendiary Magistrate, and in Scotland by and before any Sheriff or Steward or Sheriff Substitute or Steward Substitute within his own County or Stewartry.

No Objection to be allowed, nor Convictions to be quashed for Want of Form.

LXXXVI. No Objection shall be taken or allowed to any Complaint, Information, Summons, or Warrant under this Act, for any alleged Defect therein, either in Substance or in Form, or for any Variance between such Complaint or Information and the Evidence adduced on the Hearing thereof; but if any Variance shall appear to the Justice or Justices present and acting at such Hearing to be such that the Party so summoned and appearing has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such Terms as he or they shall think fit, to adjourn the Hearing of the Case to some future Day, and in the meantime to commit the Defendant to such safe Custody as the said Justice or Justices may think fit, or to discharge him upon his Recognizance, with or without Sureties, to appear at such Time and Place as may be appointed: No Conviction, Order, Adjudication, or other Proceeding under or in pursuance of this Act shall be quashed or vacated for Want of Form.

Application of Penalties.

LXXXVII. All Penalties imposed by this Act shall, when recovered, be paid to the Party at whose Suit the same shall have been recovered, for the Use of Her Majesty and Her Successors, and if recovered in the Colonies shall be paid over by the Party receiving the same into the Colonial Treasury, and shall form Part of the general Revenue of the Colony, and if recovered in the United Kingdom shall be paid over to the Colonial Land and Emigration Commissioners if the Party at whose Suit the same shall have been recovered be an Emigration Officer or his Assistant, and to Her Majesty's Commissioners of Customs if the Party at whose Suit the same shall have been recovered be an Officer of Customs, to be by such Colonial Land and Emigration Commissioners and Commissioners of Customs respectively duly accounted for; and all such Penalties as may be recovered in the United Kingdom shall be appropriated to such Purposes and in such Manner as the Lord High Treasurer or the Commissioners of Her Majesty's Treasury may from Time to Time direct and appoint: Provided always, that it shall be lawful for the Justices of the Peace who shall impose any such Penalty at the same Time to direct, if they shall think fit, that a Part, not exceeding *One Moiety* thereof, be applied to compensate

Justices may award Compensation out of Penalties to Party aggrieved.

compensate any Passenger for any Wrong or Damage which he may have sustained by the Act or Default in respect of which such Penalty or Forfeiture shall have been imposed. *Procedure for Penalties, &c.*

LXXXVIII. If in any Suit, Action, Prosecution, or other legal Proceeding under this Act any Question shall arise whether any Ship was or was not exempted from the Provisions of this Act or any of them, the Burden of proving that such Ship was so exempted shall lie on the Party claiming the Benefit of the Exemption, and failing such Proof it shall for any such Purpose as aforesaid be taken and adjudged that the Ship did come within the Provisions of this Act; and it shall not be necessary, in any Information, Complaint, or other Process or Proceeding, to negative any Exemption, Proviso, or Condition contained in any Section of this Act on which such Information, Complaint, or other Process or Proceeding shall be framed, neither shall it be necessary for the Complainant to prove the Negative, but the Defendant may prove the Affirmative thereof, if he will have Advantage of the same. Burden of Proof to be on Persons claiming Exemption from Act. Proof of Negatives.

LXXXIX. If in any Proceeding before any Justice or Justices of the Peace under this Act, or upon any Action, Suit, or other Proceeding whatsoever, against any Person, for anything done either contrary to or in pursuance of this Act, a Question should arise whether any Person is an Emigration Officer or Assistant Emigration Officer, or an Officer of Customs, vivâ voce Evidence may be given of such Fact by the Officer himself, and shall be deemed legal and sufficient Evidence. Proof of a Party being an Emigration Officer.

XC. Any Passenger suing under this Act for any Sum of Money made recoverable by this Act as Passage Money, Subsistence Money, or Compensation, or Damages, shall not be deemed an incompetent Witness in any Proceeding for the Recovery thereof, notwithstanding the same, if recovered, shall be applicable to his own Use and Benefit. Passengers suing not incompetent Witnesses.

XCI. No Plaintiff shall recover in any Action against any Emigration Officer, his Assistant, Government Emigration Agent, or Officer of Customs, or other Person, for anything done in pursuance of this Act, if Tender of sufficient Amends shall have been made before such Action brought, or if, after Action brought, a sufficient Sum of Money shall have been paid into Court, by or on behalf of the Defendant. Tender of Amends.

XCII. No Action or Suit shall be commenced against any Emigration Officer, his Assistant, Government Emigration Agent, Officer of Customs, or other Person, for anything done in pursuance of or under the Authority of this Act, until *Ten* clear Days Notice in Writing, specifying Limitation of Actions against Officers executing the Act.

Procedure for Penalties, &c.

specifying distinctly the Cause of Action, has been given to the Officer, Agent, or Person as aforesaid against whom such Action or Suit is intended to be brought, nor after *Three* Calendar Months next after the Act committed and mentioned in such Notice for which such Action or Suit shall be so brought; and every such Action shall be brought, laid, and tried where the Cause of Action shall have arisen, and not in any other Place; and the Defendant in such Action or Suit may plead the General Issue, and give this Act and any special Matter in Evidence, at any Trial which shall be had thereupon; and if the Matter or Thing shall appear to have been done under or by virtue of this Act, or if it shall appear that such Action or Suit was brought before *Ten* clear Days Notice thereof given as aforesaid, or if any Action or Suit shall not be commenced within the Time herein-before limited, or shall be brought or laid in any other Place than as aforesaid, then the Jury shall find a Verdict for the Defendant therein; and if a Verdict shall be found for such Defendant, or if the Plaintiff in such Action or Suit shall become nonsuited, or suffer a Discontinuance of such Action, or if upon any Demurrer in such Action Judgment shall be given for the Defendant thereon, then and in any of the Cases aforesaid such Defendant shall recover full Costs of Suit as between Solicitor and Client, and shall have such Remedy for recovering the same as any Defendant may have for his Costs in any other Case by Law.

Defendant may plead the General Issue, &c.

Costs.

Limitation of legal Proceedings generally.

XCIII. Where no Time is expressly limited within which any Complaint or Information is to be made or laid for any Breach or Nonperformance of any of the Requirements of this Act, the Complaint shall be made or the Information laid within *Twelve* Calendar Months from the Time when the Matter of such Complaint or Information respectively arose, or in case the Master of any Ship is the Offender or Party complained against, within *Twelve* Calendar Months next after his Return to the Country in which the Matter of Complaint or Information arose.

Colonial Voyages.

Colonial Voyages defined.

XCIV. And whereas it is expedient to provide in certain Cases for the Carriage of Passengers by Sea from Her Majesty's Possessions abroad: Be it therefore enacted as follows: For the Purposes of this Act the Term "Colonial Voyage" shall signify any Voyage from any Port or Place within any of such Possessions (except the Territories under the Government of the East India Company) to any Port or Place whatever, of which the Duration, to be prescribed as herein-after mentioned, shall exceed *Three* Days.

This Act to apply to Colonial Voyages,

XCV. This Act shall apply, so far as the same is applicable to all Ships carrying Passengers on any such "Colonial Voyage," except as

as to such Parts of the Act as relate to the following Matters; (that is to say,) *Colonial Voyages.*

1. To Passage Brokers and their Licences:
2. To Passengers Contract Tickets:
3. To the giving Bond to Her Majesty.
4. To the keeping on board a Copy of this Act:
5. To Orders in Council regulating Emigration from the United Kingdom, or prescribing Rules for promoting Health, Cleanliness, Order, and Ventilation:

except as relates to Matters herein named.

Provided that if the prescribed Duration of any "Colonial Voyage" be less than Three Weeks, then, in addition to the Matters lastly hereinbefore excepted, the Provisions of this Act shall not extend or apply, so far as they relate to the following Subjects; (namely,)

If any Colonial Voyage be less than Three Weeks, this Act not to apply to Subjects herein named.

The Construction or Thickness of the Decks:
The Berths and Berthing:
The Height between Decks:
Privies:
Hospitals:
Light and Ventilation:
Manning:
Passengers Stewards:
Passengers Cooks and Cooking Apparatus:
The Surgeon, and Medicine Chest:
The Maintenance of Passengers for Forty-eight Hours after Arrival:

Provided also, that in the Case of such "Colonial Voyages" whereof the prescribed Duration is less than Three Weeks, the Requirements of this Act respecting the Issue of Provisions shall not, except as to the Issue of Water, be applicable to any Passenger who may have contracted to furnish his own Provisions.

XCVI. It shall be lawful for the Governor of each of Her Majesty's Possessions abroad, by any Proclamation to be by him from Time to Time issued for that Purpose (which shall take effect from the issuing thereof), to declare what shall be deemed for the Purposes of this Act to be the Length of the Voyage of any Ship carrying Passengers from such Possession to any other Place whatsoever, and to prescribe such Scale of Diet for the Use of the Passengers during the Voyage as he shall think proper, and also to declare what Medicines, Medical Comforts, Medical Instruments, and other Matters shall be deemed necessary for the Medical Treatment of the Passengers during such "Colonial Voyage:" Every such Proclamation shall be transmitted, by the Governor by whom the same may have been issued, to Her Majesty, through One of Her Majesty's Principal Secretaries of State, for Her Majesty's Confirmation or Disallowance; and

Governor of Colonies may, by Proclamation, declare Length of Voyage, and prescribe Scale of Diet, Medicines, and Medical Comforts.

Proclamations to be transmitted for Confirmation or Disallowance.

Colonial Voyages.

Copies to be received as Evidence in the Colony in which they may be produced.

and if allowed, the Provisions and Requirements therein shall be enforced in all Her Majesty's Possessions abroad as if they were incorporated in this Act, and in like Manner as the Provisions of this Act may be enforced; and a Copy of any such Proclamation, purporting to be under the Hand of the Governor of the Colony wherein the same may have been issued, and under the public Seal of such Colony, shall in any other Colony wherein the same shall be so produced be received as good and sufficient Evidence of the issuing and of the Contents of such Proclamation, unless it shall be proved that such Copy is not genuine.

Provision for Survey of Ships in the Colonies, and for appointing Surgeons thereto.

XCVII. It shall be lawful for the Governors of any such Possessions respectively to authorize such Person or Persons as they may think fit to make the like Survey and Examination of "Passenger Ships" sailing from such Possessions respectively as is herein-before required to be made by Two or more competent Surveyors in respect of "Passenger Ships" sailing from the United Kingdom, and also to authorize in such Cases, as to such Governors may seem proper, any competent Person to act as Medical Practitioner on board any "Passenger Ship" proceeding on a "Colonial Voyage."

Power to the Governor General of India in Council, by any Act to be passed for that Purpose, to adopt this Act for India, and to make Rules respecting Food, Passengers, Surgeons, &c.,

XCVIII. This Act shall not apply to any of the Territories or Places under the Government of the East India Company: It shall, however, be lawful for the Governor General of India in Council, from Time to Time, by any Act or Acts to be passed for that Purpose, to declare that this Act or any Part thereof shall apply to the Carriage of Passengers upon any Voyage from any Ports or Places within such Territories, to be specified in such Act or Acts, to any other Places whatsoever, to be also specified in such Act or Acts; and also in like Manner to authorize the Substitution, as respects such Voyages, of other Articles of Food and Provisions for those herein-before enumerated; and to declare the Rule of Computation by which the Length of any such Voyage shall be estimated; and to determine the Persons or Officers who in such Territories shall be entitled to exercise or perform the Powers, Functions, or Duties herein-before given to or imposed upon the Emigration Officers and Officers of Customs in the United Kingdom; and to authorize the Employment on board any Ship of a Medical Practitioner duly qualified by Law to practise as a Physician, Surgeon, or Apothecary within such Territories; and to declare for the Purposes of this Act the Space necessary for Passengers, and the Age at which Two Children shall be considered equal to One Statute Adult, in Ships that may clear out from any Port or Place within such Territories; and also to declare in what Manner and before what Authorities, and by what Form of Proceedings, the Penalties imposed and the Sums of Money made recoverable

and to declare in what Manner

Colonial Voyages.

Penalties, &c. may be sued for and recovered.

Indian Act may be enforced in the Colonies in like Manner as this Act.

able by this Act shall be sued for and recovered within such Territories, and to what Uses such Penalties shall be applied: And on the passing of such Indian Act or Acts, and whilst the same shall remain in force, all such Parts of this Act as shall be adopted therein shall apply to and extend to the Carriage of Passengers upon such Voyages as in the said Indian Act or Acts shall be specified. The Provisions of such Indian Act shall be enforced in all Her Majesty's Possessions in like Manner as the Provisions of this Act may be enforced: Every such Indian Act shall be subject to Disallowance and Repeal, and shall in the same Manner be transmitted to England, to be laid before both Houses of Parliament, as in the Case of any other Law made by the Governor General in Council.

Voyages to the United Kingdom.

List of Passengers brought into the United Kingdom to be delivered by the Master of the Ship to the Emigration Officer.

Penalty for Neglect.

XCIX. The Master of every Ship bringing Passengers into the United Kingdom from any Place out of Europe, and not within the Mediterranean Sea, shall, within *Twenty-four* Hours after Arrival, deliver to the Emigration Officer or his Assistant, or in their Absence to the Chief Officer of Customs at the Port of Arrival, a correct List, signed by such Master, and specifying the Names, Ages, and Callings of all the Passengers embarked, and also the Port or Ports at which they respectively may have embarked, and showing which, if any of them, may have died with the supposed Cause of Death, or been born on the Voyage; and if any Master shall fail so to deliver such List, or if the same shall be wilfully false, he shall, on Conviction, as herein-before mentioned, be liable to a Penalty not exceeding *Fifty Pounds*

Penalty on Masters for having on board a greater Number of Persons than prescribed by Section 13 of this Act.

C. If any Ship bringing Passengers into the United Kingdom from any Place out of Europe shall have on board a greater Number of Passengers or Persons than in the Proportions respectively prescribed in the Fourteenth Section of this Act for Ships carrying Passengers from the United Kingdom, the Master of such Ship shall be liable, on such Conviction as herein-before mentioned, to a Penalty not exceeding *Ten Pounds* nor less than *Five Pounds* for each such Person or Statute Adult constituting any such Excess.

Provisions and Water to be issued to Passengers brought into the United Kingdom the same as in Ships carrying Passengers from the United Kingdom.

CI. The Master of every Passenger Ship bringing Passengers into the United Kingdom from any Place out of Europe shall make to each Statute Adult during the Voyage, including the Time of Detention, if any, at any Port or Place before the Termination thereof, Issues of pure Water and of good and wholesome Provisions in a sweet Condition, in Quantities not less in Amount than is prescribed in the Thirty-fifth Section of this Act for Passengers proceeding from the United Kingdom; and in case of Noncompliance with any of the Requirements of this Section the Master of such

Voyages to the United Kingdom.

Ship shall, on such Conviction as herein-before mentioned, be liable for each Offence to a Penalty not exceeding *Fifty Pounds.*

Penalty for Default.

Schedules to be Part of the Act.

CII. The Schedules to this Act shall be deemed to be Part of this Act, and all the marginal or other Directions therein shall be duly followed and enforced, under a Penalty not exceeding *Ten Pounds* on the Person failing to obey the same respectively.

SCHE-

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

FORM of CERTIFICATE exempting a MAIL STEAMER from the Provisions of the British Passengers Act, 1855.

N.B.—This Certificate must be produced, on Demand, to the Emigration Officer or his Assistant, or if there be no such Officer to the Chief Officer of Customs at the Port of Clearance or Port of Departure, by the Master of any Steam Vessel claiming Exemption from the Passengers Act, otherwise the Exemption will not be allowed.

This is to certify that the Steam Vessel of Tons, registered [a] Tonnage, belonging to the Port of , is duly authorized to carry Mails under a Contract with the Government of [b] between [b] and [b] , and is therefore exempt from the Operations of the "Passengers Act, 1855," from the Date hereof to the Day of 18 .

[a] Omit this Word if inapplicable in the Case of a Foreign Vessel.

[b] Insert here the Name of the State.

Given under my Hand at , this Day of 18 .

(Signature) _____ { Postmaster-General of the United Kingdom or his Deputy (or of [name the Colony or Foreign State], as the Case may be).

BRITISH CONSUL'S CERTIFICATE in the Case of a Foreign Steam Vessel.

The above Signature is to the best of my Belief the Signature of the [here insert the Title of the Officer signing the preceding Certificate.]

(Signature) _____ { Her Britannic Majesty's Consul-General, Consul, or Vice-Consul of (as the Case may be).

SCHEDULE (B.)

Form of Passengers List.

Ship's Name.	Master's Name.	Tons per Register.	Aggregate Number of Superficial Feet in the several Compartments set apart for Passengers other than Cabin Passengers.	Total Number of Statute Adults, exclusive of Master, Crew, and Cabin Passengers, which the Ship can legally carry.	Where bound.

I hereby certify, That the Provisions actually laden on board this Ship, according to the Requirements of the Passengers Act, are sufficient for Statute Adults.

(Signature) _____ Master.

Date _____ 185 .

Names and Descriptions of Passengers.

Ports of Embarkation.	Names of Passengers.	Age of each Adult of 14 Years and upwards.				Children under 12 Years.		Profession, Occupation, or Calling of Passenger.	State whether English, Scotch, or Irish.	Port at which Passengers have contracted to land.
		Married.		Single.						
		Male.	Female.	Male.	Female.	Male.	Female.			

Summary.

	Number of Souls.				Equal to Statute Adults.
	English.	Scotch.	Irish.	Total.	
Adults - - - -					
Children under 12 - -					
Total - - -					

We hereby certify, That the above is a correct List of the Names and Descriptions of all the Passengers who embarked at the Port of _____

(Signed) _____ Master.

_____ Emigration Officer.

(Countersigned) _____ Officer of Customs at _____.

Date _____ 185 .

N.B.—Lines should be ruled in the same Form for any Additions to the List after the Ship first clears out; and similar Certificates be subjoined to such Additions, according to the Requirements of the Act.

SCHE-

SCHEDULE (C.)

FORM of BOND to be given by the MASTER and by the OWNER or CHARTERER of a "Passenger Ship."

KNOW all Men by these Presents, that we,*
are held and firmly bound unto our Sovereign by the Grace of God of the United Kingdom of Great Britain and Ireland Defender of the Faith, in the Sum of *Two thousand Pounds* of good and lawful Money of Great Britain, to be paid to our said the Heirs and Successors; to which Payment well and truly to be made we bind ourselves and every of us, jointly and severally, for and in the whole, our Heirs, Executors, and Administrators, and every of them, firmly by these Presents. Sealed with our Seals. Dated this Day of One thousand eight hundred and fifty

* Insert here the Christian and Surnames in full, with Occupations and Addresses of each of the Two Obligors.

WHEREAS by the "Passengers Act, 1855," it is amongst other things enacted, that before any "Passenger Ship" shall clear out or proceed to Sea, the Master together with the Owner or Charterer of the Ship, or in the Absence of such Owner or Charterer, or if the Master be the Owner or Charterer, One other good and sufficient Person, to be approved by the Chief Officer of Customs at the Port of Clearance, shall enter into a Bond to Majesty, Heirs and Successors, in the Sum of *Two thousand Pounds:*

Now the Condition of this Obligation is such, that if the Ship whereof the above bounden is Master, bound to is in all respects seaworthy, *[and if the said Ship shall call at the Port of and there shall be shipped on board at such Port pure Water for the Use of the Passengers, sufficient in Quantity to afford an Allowance of Three Quarts daily to each Statute Adult for the Period of Days on the Voyage from such Port to the final Port or Place of Discharge of such Vessel,] and if (notwithstanding any Penalty by the said Act imposed, and whether the same may have been sued for and recovered or not,) all and every the Requirements of the said Passengers Act, 1855, (except such of them as relate exclusively to Passage Brokers and Runners) and of the Colonial Land and Emigration Commissioners acting in the Manner prescribed by the said Act, and of any Order passed by Her Majesty in Council relating to "Passenger Ships" and now in force, shall in all respects be well and truly performed †[and if the Master for the Time being of the said Ship shall submit himself, in like Manner as a British Subject being the Master of a British Passenger Ship, to the Jurisdiction of the Tribunals in Majesty's Possessions abroad, empowered by the said Act to adjudicate on Offences committed against the said Act,] and if moreover all Penalties, Fines, and Forfeitures which the Master of such Ship may be adjudged to pay for or in respect of the Breach or Nonfulfilment of any of such Requirements as aforesaid shall be well and truly paid, and if all Expenses incurred by the Secretary of State or any Governor or British Consular Officer under the Provisions of this Act shall also be well and truly paid, then this Obligation to be void, otherwise to remain in full force and virtue.

* The Clause within Brackets is to be inserted only when the Ship is to call at an intermediate Port to take in Water as provided by s. 34. of the Act.

† This Clause to be inserted only in the Case of a Foreign Passenger Ship proceeding to any of the British Colonies.

Signed, sealed, and delivered by the above bounden and in the Presence of ‡

‡ Insert Names and Addresses in full of the Witnesses.

§ [I hereby certify, that the above Bond was duly signed, sealed, and delivered according to the Law of Great Britain by the said Master of the said Ship and by the said (other Obligor)].

§ Certificate to be signed by the Chief Officer of Customs and forwarded with the Bond to the Colony, according to s. 64. of the Act.

(Signature)_____ { Chief Officer of Customs for the Port of

(Date)_____ 185 .

SCHEDULE (D.)

FORM of PASSAGE BROKER'S ANNUAL BOND, with Two Sureties, to be approved by the Emigration Officer at the nearest Port.

* Insert Christian and Surnames in full, with Occupations and Address of each of the Parties.

KNOW all Men by these Presents, That we, A. B.* of C. D. of, &c. and E. F. of, &c. are held and firmly bound unto our Sovereign by the Grace of God of the United Kingdom of Great Britain and Ireland Defender of the Faith, in the Sum of *Five hundred Pounds* of good and lawful Money of Great Britain, to be paid to our said the Heirs and Successors; to which Payment well and truly to be made we bind ourselves and every of us, jointly and severally, for and in the whole, our Heirs, Executors, and Administrators, and every of them, firmly by these Presents. Sealed with our Seals. Dated this Day of One thousand eight hundred and fifty .

WHEREAS by the "Passengers Act, 1855," it is amongst other things enacted, that no Person whatever, save as therein excepted, shall directly or indirectly act as a Passage Broker in respect of Passages from the United Kingdom to any Place out of Europe, and not being within the Mediterranean Sea, or shall sell or let, or agree to sell or let, or be in anywise concerned in the Sale or Letting of Passages in any Ship, whether a "Passenger Ship" or otherwise, proceeding from the United Kingdom to any such Place as aforesaid, unless such Person, with Two good and sufficient Sureties, to be approved by the Emigration Officer at the Port nearest the Place of Business of such Person, shall have previously entered into a joint and several Bond to Her Majesty, Her Heirs and Successors, in the Sum of Five hundred Pounds: And whereas the said C. D. and E. F. have been duly approved by the proper Emigration Officer as Sureties for the said A. B.:

Now the Condition of this Obligation is such, that if the above-bounden A. B. shall well and truly observe and comply with all the Requirements of the said recited Act, so far as the same relate to Passage Brokers, and further shall well and truly pay all Fines, Forfeitures, and Penalties, and also all Sums of Money, by way of Subsistence Money, or of Return of Passage Money and Compensation, to any Passenger, or on his Account, and also all Costs which the above-bounden A. B. may at any Time be adjudged to pay under or by virtue of any of the Provisions of the said recited Act, then and in such Case this Obligation to be void, otherwise to remain in full force.

Signed, sealed, and delivered by the above-bounden A. B., C. D., and E. F., in the Presence of *

* Insert the Names and Addresses in full of the Witnesses.

N.B.—This Bond is to be executed in Duplicate, in the Presence of and to be attested by an Emigration Officer or his Assistant, or an Officer of Customs, or a Magistrate, or a Notary Public. One Part is to be deposited with the Colonial Land and Emigration Commissioners in London, and the other Part with the Chief Officer of Customs at the Port nearest to the Place of Business of the Broker. Each Member of a Firm or Partnership who acts as a Passage Broker must give a separate Bond with Two Sureties.

[The Bond is exempt from Stamp Duty, but must be renewed annually with the Licence.]

SCHE-

SCHEDULE (E.)

FORM of PASSAGE BROKER'S LICENCE.*

A. B.* of in the having shown to the Satisfaction of me (or, us) the undersigned, that he hath given Bond to Majesty, as by the "Passengers Act, 1855," required, and also given Fourteen Days previous Notice to the Colonial Land and Emigration Commissioners of his Intention to make Application for a Licence to carry on the Business of a Passage Broker in respect of Passages from the United Kingdom to any Place out of Europe, and not being within the Mediterranean Sea, I (or, we), the undersigned, having had no sufficient Cause shown to me (or, us), and seeing no valid Reason why the said A. B. should not receive such Licence, do hereby license and authorize the said A. B. to carry on the Business of a Passage Broker as aforesaid until the End of the present Year, and Thirty-one Days afterwards, unless this Licence shall be sooner determined by Forfeiture for Misconduct on the Part of the said A. B. as in the "Passengers Act, 1855," is provided.

* The Christian and Surnames in full, with the Address and Trade or Occupation of the Party applying for the Licence, must be correctly inserted. If a Member of a Firm, the Christian and Surnames of all the Members must be given.

Given under my Hand and Seal (or, our respective Hands and Seals), this Day of 185 at

Signature _____ (L. S.) { Justices of the Peace, Police or Stipendiary Magistrate, or Sheriff, or Steward, or Sheriff or Steward Substitute, as the Case may be.

* N.B. Each Member of a Firm or Partnership who acts as a Passage Broker must have a separate Licence.

SCHEDULE (F.)

FORM of NOTICE to be given to the Colonial Land and Emigration Commissioners by Justices granting a Licence.

Gentlemen,

THIS is to give you Notice, That we (or, I), the undersigned, did on the Day of 185 license A. B. of* to carry on the Business of a Passage Broker under the Provisions of the "Passengers Act, 1855."

* Insert the Christian and Surnames in full, with the Address and Occupation of the Party.

Signatures _____ { Justices of the Peace, or as the Case may be.

_____

Place _____

Date _____

To the Colonial Land and Emigration Commissioners, London.

SCHEDULE (G.)

FORM of NOTICE to be given to Her Majesty's Colonial Land and Emigration Commissioners, by any Applicant for a Passage Broker's Licence.

Gentlemen,

I, A. B.* of in do hereby give you Notice, That it is my Intention to apply, after the Expiration of *Fourteen* clear Days from the putting of this Notice into the Post, to the Justices to be assembled in Petty Sessions to be held † (or, to the Police or Stipendiary Magistrate for the City or Borough or District of or if in Scotland to the Sheriff or Steward of as the Case may be,) for a Licence to carry on the Business of a Passage Broker under the Provisions of "The Passengers Act, 1855."

Signature _____

Date _____

To Her Majesty's Colonial Land and Emigration Commissioners, London.

* The Christian Names and Surname in full, with the Address and Trade or Occupation of the Party applying for a Licence, must be here correctly inserted.

† The Place or District in which the Party giving the Notice has his Place of Business.

SCHEDULE (H.)

FORM of NOTICE to be given by the Justices to the Colonial Land and Emigration Commissioners of Forfeiture of a Passage Broker's Licence.

Gentlemen,

THIS is to give you Notice, That the Licence granted on the Day of 185 to A. B.* of in to act as a Passage Broker, was on the Day of now last past duly declared by me (or, us) the undersigned Justices of the Peace in Petty Sessions assembled, to be forfeited.†

Signatures _____

_____

Place and Date _____ 185 .

To the Colonial Land and Emigration Commissioners, London.

* The Christian and Surnames in full, with the Address and Trade or Occupation of the Party, to be here inserted.

† Here state generally the Reason of Forfeiture.

SCHE-

SCHEDULE (I.)

Counterpart of Cabin Passenger's Contract Ticket.

This Counterpart is to be produced by the Owner, Charterer, or Master of the Ship to the Emigration Officer at the Port of Embarkation (or, if no such Officer, to the Officer of Customs), or to any one appointed by him to receive it, under a Penalty for Default not exceeding £10.

These Directions form Part of, and must appear on, each Contract Ticket.

1. A Contract Ticket in this Form must be given to every Cabin Passenger engaging a Passage from the United Kingdom to any Place out of Europe, and not being within the Mediterranean Sea, under a Penalty not exceeding £50.
2. Unless the Passengers are to have a free Table, the Victualling Scale for the Voyage must be appended to the Contract Ticket.
3. All the Blanks must be correctly and legibly filled in, and the Ticket must be legibly signed with the Christian Names and Surname and Address in full of the Party issuing the same.
4. The Day of the Month on which the Ship is to sail must be inserted in Words and not in Figures.
5. When once issued, this Ticket must not be withdrawn from the Passenger, nor any Alteration or Erasure made in it.

Ship _____ of _____ Tons Register, to sail from _____ for _____ on the _____ Day of _____ 185_.

Names.	No. of Persons. Adults above 12 Years.	Children 12 Years and under.
Total No. of Persons.		

In consideration of the Sum of £_____ I hereby agree with the Person named in the Margin hereof that such Person shall be provided with_____ Class Cabin Passage in the above-named Ship, to sail from the Port of _____ for the Port of _____ in _____ with not less than _____ Cubical Feet of Luggage for each Person, and that such Person shall be victualled as _____ Class Cabin Passenger during the Voyage, and the Time of Detention at any Place before its Termination; and I further engage to land the Person aforesaid, with _____ Luggage, at the last-mentioned Port, free of any Charge beyond the Passage Money aforesaid; and I hereby acknowledge to have received the Sum of £_____ in {full / part} Payment of such Passage Money.

Signature in full _____

Place and Date _____

[If signed by a Broker or Agent, state on whose Behalf.]

Deposit £ _____

Balance £ _____ to be paid at _____

Total £ _____

N.B.—This Contract Ticket is exempt from Stamp Duty.

Cabin Passenger's Contract Ticket.

These Directions, and the "Notices to Passengers" below, form Part of, and must appear on, each Contract Ticket.

1. A Contract Ticket in this Form must be given to every Cabin Passenger engaging a Passage from the United Kingdom to any Place out of Europe, and not being within the Mediterranean Sea, under a Penalty not exceeding £50.
2. Unless the Passengers are to have a free Table, the Victualling Scale for the Voyage must be appended to the Contract Ticket.
3. All the Blanks must be correctly and legibly filled in, and the Ticket must be legibly signed with the Christian Names and Surname and Address in full of the Party issuing the same.
4. The Day of the Month on which the Ship is to sail must be inserted in Words and not in Figures.
5. When once issued, this Ticket must not be withdrawn from the Passenger, nor any Alteration or Erasure made in it.

Ship _____ of _____ Tons Register, to sail from _____ for _____ on the _____ Day of _____ 185_.

Names.	No. of Persons. Adults above 12 Years.	Children 12 Years and under.
Total No. of Persons.		

In consideration of the Sum of £ _____ I hereby agree with the Person named in the Margin hereof that such Person shall be provided with_____ Class Cabin Passage in the above-named Ship, to sail from the Port of _____ for the Port of _____ in _____ with not less than _____ Cubical Feet of Luggage for each Person, and that such Person shall be victualled as _____ Class Cabin Passenger during the Voyage, and the Time of Detention at any Place before its Termination; and I further engage to land the Person aforesaid, with _____ Luggage, at the last-mentioned Port, free of any Charge beyond the Passage Money aforesaid; and I hereby acknowledge to have received the Sum of £ _____ in {full / part} Payment of such Passage Money.

Signature in full _____

Place and Date _____

[If signed by a Broker or Agent, state on whose Behalf.]

Deposit £ _____

Balance £ _____ to be paid at _____

Total £ _____

Notice to Cabin Passengers.

1. If Cabin Passengers, through no Default of their own, fail to obtain a Passage in the Ship, and on the Day named in this Contract Ticket, they may obtain Redress for Breach of Contract by summary Process under the 72d Section of the "Passengers Act, 1855."
2. Cabin Passengers must produce, on Demand, their Contract Tickets to the Government Emigration Officer under a Penalty not exceeding £10. This Ticket should therefore be preserved and kept in readiness to be produced on board the Ship.

N.B.—This Contract Ticket is exempt from Stamp Duty.

SCHEDULE (K.)

Passenger's Contract Ticket.

This Part of the Contract Ticket is to be separated from the other, and to be delivered by the Passenger to the Emigration Officer at the Port of Embarkation, (or, if no such Officer, to the Officer of Customs,) or to any one appointed by him to receive, it under a Penalty not exceeding £10.

Contract Ticket.

I engage that the Persons mentioned below shall be provided with a Steerage Passage to ____ and be landed at the Port of _____ in _____ in the Ship _____ of _____ Tons with not less than Ten Cubic Feet for Luggage for each Statute Adult, and shall be victualled during the whole Voyage according to the Dietary Scale prescribed by Law. The Ship to receive her Passengers at ____ on the _____ Day of _____ 185 . Passage Money, including Government Dues, if any, and all Charges of Landing, £ _____.

Names.	Ages.

_____ Souls, equal to *_____ Statute Adults.

To be signed in full by the Party issuing the Ticket. }

* Insert Number of Souls and of Statute Adults respectively.

These Directions, and the "Notices to Passengers" below, form Part of, and must appear on, each Contract Ticket.

1. A Contract Ticket in this Form must be given to every Passenger engaging a Passage from the United Kingdom to any Place out of Europe, and not being within the Mediterranean Sea.
2. The Victualling Scale for the Voyage must be printed in the Body of the Ticket.
3. All the Blanks must be correctly filled in, and the Ticket must be legibly signed with the Christian Names and Surname and Address in full of the Party issuing the same.
4. The Day of the Month on which the Passengers are to embark must be inserted in Words and not in Figures.
5. When once issued, this Ticket must not be withdrawn from the Passenger, nor any Alteration, Addition, or Erasure made in it.

Ship _____ of _____ Tons Register, to take in Passengers at _____ for _____ on the _____ Day of _____ 185__.

Names.	Ages.	Equal to Statute Adults.

I engage that the Person named in the Margin hereof shall be provided with a Steerage Passage to, and shall be landed at, the Port of _____ in _____ in the Ship _____ with not less than Ten Cubic Feet for Luggage for each Statute Adult, and shall be victualled during the Voyage and the Time of Detention at any Place before its Termination, according to the subjoined Scale, for the Sum of £ _____ including Government Dues before Embarkation, and Head Money, if any, at the Place of Landing, and every other Charge, except Freight for Excess of Luggage beyond the Quantity above specified, and I hereby acknowledge to have received the Sum of £ _____ in { full / part } Payment.

The following Quantities, at least, of Water and Provisions, (to be issued daily,) will be supplied by the Master of the Ship, as required by Law; viz., to each Statute Adult 3 Quarts of Water daily, exclusive of what is necessary for cooking the Articles required by the Passengers Act to be issued in a cooked State; and a Weekly Allowance of Provisions according to the following Scale:

[Here insert the Victualling Scale intended to be used on the Voyage. This must be either the Scale prescribed in the d Section of the Passengers Act, 1855, or that Scale modified by the Introduction of Articles authorized by the Act, to be substituted for Oatmeal, Rice, and Potatoes.]

[N.B.—If Mess Utensils and Bedding are to be provided by the Ship, the Stipulation must be inserted here.]

Signature in full _____
Place and Date _____

[If signed by a Broker or Agent, state on whose Behalf.]

Deposit £ _____
Balance £ _____ to be paid at _____
Total £ _____

Notices to Passengers.

1. If Passengers, through no Default of their own, are not received on board on the Day named in their Contract Tickets, or fail to obtain a Passage in the Ship, they should apply to the Government Emigration Officer at the Port, who will assist them in obtaining Redress under the Passengers Act.
2. Passengers should carefully keep this Part of their Contract Ticket till after the End of the Voyage.

N.B.—This Contract Ticket is exempt from Stamp Duty.

SCHE-

SCHEDULE (L.)

FORM of EMIGRANT RUNNER'S Annual Licence.

A.B. (a) of in the having made Application in Writing to us, the undersigned Justices of the Peace assembled in Petty Sessions, for the (b) of to grant to him a Licence to enable him to be registered as an Emigrant Runner in and for (b) , and the said [A.B.] having also been recommended as a proper Person to receive such Licence by the Chief Constable [or other Head Officer of Police, as the Case may be] of [the District, Town, or Place in which the said A.B. is to carry on his Business]: We, the under-mentioned Justices, having no sufficient Cause shown to us, and seeing of ourselves no valid Reason why the said A.B. should not receive such Licence, do hereby grant to him this Licence for the Purposes aforesaid, subject nevertheless to be revoked for Misconduct on the Part of the said A.B., as in the "Passengers Act, 1855," is provided.

(a) The Christian and Surnames in full, with the Address of the Party applying for the Licence must be here correctly inserted.

(b) City, Town, or District in which the Emigrant Runner is to carry on his Business.

SCHEDULE (M.)

FORM of SUMMONS for a DEFENDANT or a WITNESS.

A.B. Complainant.
C.D. Defendant.

County, or City, or Borough, or Police District of (as the Case may be).

THIS is to command you to appear without fail on the Day of instant (or, next) at o'Clock in the noon at before me, or other the Magistrate or Justices of the Peace then and there present (1) [to answer the Complaint of (an Emigration Officer, or Assistant Emigration Officer, or Officer of Customs, or (in the Colonies a Government Emigration or Immigration Agent, as the Case may be,) for a Breach of the Section (or Sections, as the Case may be,) of the Passengers Act, 1855,] (2) [or, to give Evidence in the Complaint of A.B. against C.D. for Breach of the Passengers Act, 1855].

(1) Insert this when the Defendant is summoned.

(2) Insert this in case a Witness is summoned.

Signed _____ { Justice of the Peace, or Police or Stipendiary Magistrate, or Sheriff, or Steward, or Sheriff Substitute, or Steward Substitute, as the Case may be.

Dated this Day of One thousand eight hundred and .

To _____

SCHEDULE (N.)

FORM of CONVICTION and ORDER of ADJUDICATION under the Passengers Act, 1855, when the DEFENDANT appears.

A.B. Complainant.
C.D. Defendant.

County, or City, or Borough, or Police District, or Steward of (as the Case may be).

BE it remembered, That on the Day of instant, C.D. of personally came before me (or us, as the Case may be,) at to answer the Complaint of A.B. (1) for a Breach of the Section (or Sections, as the Case may be,) of the Passengers Act, 1855, in that (2) or (as the Case may be), for a Breach of the Contract contained in a certain Contract Ticket, dated , and issued by to for a Passage to in the Ship .

Whereupon I (or we) did proceed to examine into the Complaint so made against the said C.D., and the same having been (admitted to be true by the said C.D., or as the Case may be,) fully proved to my (or our) Satisfaction by the Testimony on Oath of E.F. (3) a credible Witness (or Witnesses), I (or we) (4) [do convict him the said C.D. of the Offence (or Offences) aforesaid; and I (or we)] do adjudge and order that he shall pay to the said A.B. as such (Emigration Officer, or Government Emigration Agent, or Officer of Customs, or Passenger of the Ship , as the Case may be,) the Sum of *l.* by way of Penalty (or by way of Subsistence Money, or of Return of Passage Money, or as Damages for Breach of such Contract as aforesaid, as the Case may be,) [(5) and shall also pay to the said A.B. the further Sum of *l.* as Compensation for the Loss and Inconvenience occasioned to (6) by the Loss of Passage in the Ship].

(7) [And I (or we) do also adjudge and order that the Licence granted to the said C.D. to act as a Passage Broker be forfeited.]

(8) [And I (or we) do hereby also adjudge and order that the Sum of *l.* being a Part not exceeding *One Moiety* of the said Penalty of *l.*, be applied to compensate (9) for the Wrong or Damage which he (she, or they) has (or have) sustained in this Matter.

And I (or we) do further adjudge and order, that the said C.D. shall forthwith pay to the said A.B. the further Sum of *l.* for the Costs and Charges by him the said A.B. incurred in the Prosecution of this Matter.

Given under my Hand and Seal (or our Hands and Seal), this Day of One thousand eight hundred and .

Signature _____ Justice of the Peace, Police or Stipendiary Magistrate, or Sheriff, or Steward, or Sheriff or Stewards Substitute, as the Case may be, for _____ (10)

(1) State whether Emigration Officer, or Officer of Customs, or Government Emigration Agent, or Passenger of the Ship _____ as the Case may be.

(2) Here describe briefly and in general Terms the Requirement (or Requirements) of the Act which has not been fulfilled.

(3) Name the Witness, or Witnesses if more than One.

(4) Omit these Words where there is no Conviction, but only an Order of Adjudication.

(5) Insert this in Cases where Compensation is awarded.

(6) Name the Passenger or Passengers by or on whose Behalf the Compensation is awarded.

(7) Insert this where the Offender is a Passage Broker, and his Licence is declared forfeited.

(8) Insert this where Compensation out of the Penalty is awarded to any aggrieved Passenger.

(9) Name the Passenger or Passengers.

(10) State County or District, &c. as the Case may be.

FORM of CONVICTION and ORDER of ADJUDICATION where the DEFENDANT does not appear.

A.B. Complainant.
C.D. Defendant.

County, or City, or Borough, or Police District, or Stewartry of , as the Case may be.

BE it remembered, That C.D. of being duly summoned to answer the Complaint of A.B. (1) for a Breach of the Section (or Sections) of the Passengers Act, 1855, in that, &c. (2) or (as the Case may be), for a Breach of the Contract contained in a certain Contract Ticket, dated and issued by to for a Passage to in the Ship , did not appear before me (or us), pursuant to the said Summons. Nevertheless, I (or we) did proceed to examine into the Complaint so preferred against the said C.D., and the same having been duly proved to my (or our) Satisfaction by the Testimony on Oath of E.F. (3) a credible Witness (or Witnesses), I (or we) do, &c. (proceed as in preceding Form of Conviction according to the Circumstances of the Case).

(1) State whether Emigration Officer, or Officer of Customs, or Government Emigration Agent, or Passenger of the Ship_____, as the Case may be.

(2) Describe briefly and in general Terms the Requirement (or Requirements) of the Act which has not been fulfilled.

(3) Name the Witness or Witnesses.

Passengers Act Amendment.

A

BILL

To amend the Law relating to the Carriage of Passengers by Sea.

(*Prepared and brought in by Mr. Peel and Viscount Palmerston.*)

Ordered, by The House of Commons, *to be Printed,* 30 *January* 1855.

[Bill 17.]

Under 8 *oz.*

Passengers Act Amendment Bill.

[AS AMENDED BY THE COMMITTEE.]

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A

B I L L

[AS AMENDED BY THE COMMITTEE]

TO

Amend the Law relating to the Carriage of Passengers by Sea.

WHEREAS it is expedient to amend "The Passengers Act, 1852:" Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Prefatory Clauses.

I. On the First Day of October next, when this Act shall commence and come into force, "The Passengers Act, 1852," shall be repealed; except so far as the said Act repeals any former Act or Enactment; and except as to existing Passage Brokers Licences, which shall continue in force as mentioned in Section Sixty-seven of this Act, except as to any Ship which shall have cleared out from any Colonial Port under the said Act, and before this Act shall have come into operation in such Colony; and except so far as may be necessary for supporting or continuing any Proceeding heretofore taken or hereafter to be taken upon any Bond given under the said Act, or upon any other Civil Process; and except as to the Recovery and Application of any Penalty for any Offence committed against the said Act before the Commencement of this Act; and except also as to an Order in Council made by Her Majesty, with the Advice of Her Privy Council, on the Sixteenth Day of October One thousand eight hundred Commencement of this Act, and Repeal of former Act except as to existing Liabilities, and except as to an Order in Council dated 16th October 1852.

Prefatory Clauses.

and fifty-two, in pursuance of the Powers given by the Fifty-fifth Section of the said Act, which said Order in Council shall remain in force until altered or revoked by any Order in Council to be made under the Provisions of this Act.

Short Title.

In legal Proceedings, Reference to Sections of this Act by Number sufficient.

II. In citing this Act in other Acts of Parliament, or in any Instrument, Document, or Proceeding, it shall be sufficient to use the Expression "The Passengers Act, 1855;" and in any Process for enforcing the Remedies or Penalties given or imposed by this Act, it shall be sufficient, without specifying more particularly the Cause of Complaint or Offence, to refer by Number, according to the Copies of the Act printed by the Queen's Printer, to the Section or Sections under which the Proceeding is taken.

Definition of Terms; viz.

"Number and Gender:"

"Her Majesty."

"Consular Officer."

"United Kingdom:"

"North America:"

"West Indies:"

"Governor:"

"Statute Adult:"

"Passage" and "Passengers:"

"Cabin Passengers:"

III. For the Purposes of this Act, the following Words and Expressions, whenever they occur, shall respectively have the following Significations, if not inconsistent with the Context or Subject Matter; (that is to say,) Words of one Number or Gender shall import both Numbers and all Genders respectively; the Expression "Her Majesty" shall include Her Heirs and Successors; the Expression "Consular Officer" shall signify and include Her Majesty's Consul General, Consul, and Vice Consul; the Expression "United Kingdom" shall signify Great Britain and Ireland, and the Islands of Guernsey, Jersey, Alderney, Sark, Scilly, and Man; the Expression "North America" shall signify and include the Bermudas, and all Ports and Places on the Eastern Coast of the Continent of North America, or in the Islands adjacent or near thereto, or in the Gulf of Mexico North of the Tropic of Cancer; the Expression "West Indies" shall signify the West India Islands, the Bahamas, British Guiana, and Honduras; the Expression "Governor" shall signify the Person who for the Time being shall be lawfully administering the Government of any British Colony in which he may be acting; the Expression "Statute Adult" shall signify any Person of the Age of Twelve Years or upwards, or Two Persons between the Ages of One and Twelve Years; the Expression "Passage" shall include all Passages except Cabin Passages; the Expression "Passengers" shall include all Passengers except Cabin Passengers, and except Labourers under Indenture to the Hudson's Bay Company, and their Families, conveyed in Ships the Property of or chartered by the said Company, and no Persons shall be deemed Cabin Passengers unless the Space allotted to their exclusive Use in the Chief or Second Cabin shall be in the Proportion of at least Thirty-six clear Square Feet to each Statute Adult, nor unless they shall be messed throughout the Voyage at the same Table with the Master or First Officer of the Ship, nor unless the Fare contracted to be paid by them respectively shall be in the Proportion of at least Thirty Shillings for every Week of the Length of the Voyage

as

Prefatory Clauses.

as computed under the Provisions of this Act, for Sailing Vessels proceeding from the United Kingdom to any Place South of the Equator, and of Twenty Shillings for such Vessels proceeding to any Place North of the Equator, nor unless they shall have been furnished with a duly signed Contract Ticket according to the Form in Schedule (I.) of this Act; the Expression "Upper Passenger Deck" shall signify and include the Deck immediately beneath the Upper Deck, or the Poop, Round House, or Deck House, when Passengers are carried therein, and the Space occupied by such Poop, Round House, or Deck House shall exceed One Third of the whole Area of the Upper Deck, exclusive of the Forecastle; the Expression "Lower Passenger Deck," the Deck next beneath the Upper Passenger Deck, not being an Orlop Deck; the Expression "Ship" shall signify any Description of Sea-going Vessel, whether British or Foreign; the Expression "Passenger Ship" shall signify every Description of such Ship carrying upon any Voyage to which the Provisions of this Act shall extend more than Thirty Passengers, or a greater Number of Passengers than in the Proportion of One Statute Adult to every Fifty Tons of the registered Tonnage of such Ship if propelled by Sails, or of One Statute Adult to every Twenty-five Tons if propelled by Steam; the Expression "Master" shall signify the Person who shall be borne on the Ship's Articles as Master, or who, other than a Pilot, shall for the Time being be in charge or command of any such Ship or "Passenger Ship;" and the Expression "Emigrant Runner" shall signify every Person other than a licensed Passage Broker or his bonâ fide salaried Clerk, who within any Port or Place of Shipping, or within Five Miles of the outer Boundaries thereof, for Hire or Reward, or the Expectation thereof, shall directly or indirectly conduct, solicit, influence, or recommend any intending Emigrant to or on behalf of any Passage Broker, Owner, Charterer, or Master of a Ship, Lodging House or Tavern or Shop Keeper, Money Changer, or other Dealer or Chapman, for any Purpose connected with the Preparations or Arrangements for a Passage, or shall give or pretend to give to such intending Emigrant any Information or Assistance in any Way relating to Emigration.

"Passenger Decks:"

"Ship:"

"Passenger Ship:"

"Master:"

"Emigrant Runner."

To what Vessels and Voyages the Act extends.

IV. This Act shall extend to every "Passenger Ship" proceeding on any Voyage from the United Kingdom to any Place out of Europe, and not being within the Mediterranean Sea, and on every Colonial Voyage as herein-after described, and, in the Particulars mentioned or referred to in Sections Ninety-nine, One hundred, and One hundred and one, to every Ship bringing Passengers into the United Kingdom from any Place out of Europe and not being within the Mediterranean Sea; but shall not extend to any of Her Majesty's Ships of War, nor to any Ships in the Service of the Commissioners for executing the

Prefatory Clauses.

Office of Lord High Admiral of the United Kingdom, nor to any Ship of War or Transport in the Service of the East India Company, nor to any Steam Vessel regularly employed in the Conveyance of the Public Mails under an existing Contract with the Government of the State or Colony to which such Steam Vessel may belong, provided the Master thereof shall, on Demand, produce to the Emigration Officer at the Port of Clearance or Port of Departure a Certificate of Exemption, in the Form given in Schedule (A.) hereto annexed, under the Hand of the Postmaster General of the United Kingdom, or of some Person deputed by him for the Purpose, or in the Case of a Colony, under the Hand of the Governor thereof, or in the Case of a Foreign State, under the Hand of the Postmaster General or other competent Government Officer whose Signature shall be authenticated by the Signature of a British Consular Officer in such Foreign State.

Penalty on fraudulently using Certificates or using fraudulent Certificates.

V. Such Certificate of Exemption shall be issuable at the Discretion of the Officer authorized to grant the same as herein-before mentioned, and shall remain in force for the Period specified therein, unless sooner revoked, or unless the Vessel for which it shall have been issued shall sooner cease to be employed in carrying the Public Mails; and if any Person shall make or attempt to make any fraudulent Use of any such Certificate, or shall forge, counterfeit, alter, or erase the whole or any Part thereof, or shall use or attempt to use any spurious or fraudulent Certificate, the Person so offending, and every Person aiding and abetting in such Offence, shall be liable to a Penalty not exceeding Five hundred Pounds Sterling, and the Vessel for which the Exemption is claimed shall not be cleared out until all the Requirements of this Act have been complied with.

Commissioners of Emigration to carry this Act into execution.

VI. And whereas by a Warrant under Her Majesty's Sign Manual, bearing Date on the Twenty-seventh Day of November One thousand eight hundred and forty-seven, Her Majesty was pleased to appoint certain Persons therein named under the Style of "The Colonial Land and Emigration Commissioners," to be, during Her Majesty's Pleasure, Commissioners in the United Kingdom for the Sale of the Waste Lands of the Crown of Her Majesty's Colonies, and for superintending the Emigration of the poorer Classes of Her Majesty's Subjects to such Colonies: And whereas it is expedient that such Commissioners should be empowered to carry this Act into execution: Be it therefore enacted, That the said Commissioners, and their Successors for the Time being, shall and they are hereby empowered to carry this Act into execution; and that for all legal and other Purposes it shall be sufficient to describe such Commissioners by the Style of "The Emigration Commissioners."

VII. The

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Emigration Commissioners may sue and be sued in the Name of their Secretary or of One of themselves.

VII. The said Emigration Commissioners for the Time being may sue and be sued in the Name of their Secretary, or of any One of such Commissioners for the Time being, and legal or equitable Proceedings taken by or against the said Commissioners in the Name of any One of them or of their Secretary shall not abate nor be discontinued by the Death or Removal of such Secretary or Commissioner, but the Secretary for the Time being, or any One of such Commissioners, shall always be deemed to be the Plaintiff or Defendant (as the Case may be) in any such Proceedings: Provided always, that the said Commissioners and their Secretary, and the Emigration Officers herein-after mentioned respectively, shall in no Case be personally liable, nor shall the private Estate and Effects of any of them be liable, for the Payment of any Monies or Costs or otherwise in respect of any Contract made or hereafter to be made by them or any of them, or in respect of any legal or equitable Proceedings taken against them or any of them, or for any Act, Deed, or Matter done or executed by them or any of them in their or his official Capacity and on the Public Service.

The Commissioners and their private Estates exempt from Liability.

Emigration Officers and Assistants to act under the Commissioners, &c.

VIII. In the United Kingdom the said Commissioners acting under the Sanction of One of Her Majesty's Principal Secretaries of State, and in Her Majesty's Possessions abroad the respective Governors thereof, may from Time to Time appoint, and the said Commissioners and Governors may at pleasure from Time to Time remove, such Emigration Officers and Assistant Emigration Officers as they may respectively think necessary, for the Purpose of carrying this Act into execution, under the Direction of the said Commissioners or Governors, as the Case may be: Provided nevertheless, that all existing Appointments of Emigration Officers or Immigration Agents and of their Assistants, as well in the United Kingdom as in Her Majesty's Possessions abroad, shall continue in force under this Act until duly revoked.

Existing Appointments to continue until revoked.

Duties of Emigration Officer may be performed by his Assistant or by Officer of Customs.

IX. All Powers, Functions, and Duties to be exercised or performed by any such Emigration Officer shall be exercised and performed respectively by his Assistant, or, at any Port where there shall be no such Emigration Officer or Assistant, or in their Absence, by the Chief Officer of Customs for the Time being at such Port.

Facilities to be given to the proper Officers for the Inspection of all Ships fitting for Passengers.

X. The Master of every Ship, whether a "Passenger Ship" or otherwise, fitting or intended for the Carriage of Passengers, or which shall carry Passengers upon any Voyage to which this Act extends, shall afford to such Emigration Officer or his Assistant or Officer of Customs as aforesaid at any Port or Place in Her Majesty's Dominions, and, in the Case of British Ships, to Her Majesty's Consular Officer at any

Prefatory Clauses.

any Foreign Port or Place at which such Ship shall be or arrive, every Facility for inspecting such Ship, and for communicating with the Passengers, and for ascertaining that the Provisions of this Act, so far as the same may be applicable to such Ships, have been duly complied with; the Master of any Ship who shall omit or fail to comply with any of the Requirements of this Section shall be liable to a Penalty not exceeding Fifty Pounds.

Penalty.

No Passenger Ship to clear without Certificate from Emigration Officer, nor until Bond be given to the Crown.

XI. No Ship fitted or intended for the Carriage of Passengers as a "Passenger Ship" shall clear out or proceed to Sea until the Master thereof shall have obtained from the Emigration Officer at the Port of Clearance a Certificate under his Hand that all the Requirements of this Act, so far as the same can be complied with, before the Departure of such Ship, have been duly complied with, and that such Ship is, in his Opinion, seaworthy, in safe Trim, and in all respects fit for her intended Voyage, and that her Passengers and Crew are in a fit State to proceed, nor until the Master shall have joined in executing such Bond to the Crown as required by the Sixty-third Section of this Act: Provided, that if such Emigration Officer shall refuse to grant such Certificate, and the Owner or Charterer of such Ship shall appeal in Writing to the Emigration Commissioners, such Commissioners shall appoint any Two other Emigration Officers, or any Two competent Persons, at the Expense of the Appellant, to examine into the Matter, and if they shall grant a Certificate under their joint Hands to the Purport herein-before required, such Certificate shall be held to be of the same Effect as if granted by the Emigration Officer of the Port of Clearance.

Under Penalty of Forfeiture of Ship.

XII. If any "Passenger Ship" shall clear out or proceed to Sea without the Master's having first obtained such Certificate, or without his having joined in executing such Bond, as by this Act is required, such Ship shall be forfeited to the Use of Her Majesty, and may be seized by any Officer of Customs, if found, within Two Years from the Commission of the Offence, in any Port or Place in Her Majesty's Dominions; and such Ship shall thereupon be dealt with in the same Manner as if she had been seized as forfeited under any of the Laws relating to the Customs for an Offence incurring Forfeiture under those Laws.

Such Ship to be dealt with as if seized under Laws relating to Customs.

Where Passengers may be carried.

XIII. No Ship shall carry Passengers on more than Two Decks, and if Passengers are carried under the Poop or in any Round House or Deck House (except in a Hospital as herein-after provided), such Poop, Round House, or Deck House shall be properly built and secured to the Satisfaction of the Emigration Officer at the Port of Clearance: For any Breach of this Enactment the Master of the

Ship

Ship shall for each Offence be liable to a Penalty not exceeding Five Hundred Pounds, nor less than Twenty Pounds Sterling.

Arrangements for the Ship.

Rule for determining the Number of Passengers to be carried.

XIV. For determining the Number of Passengers to be carried in any "Passenger Ship" the following Rules shall be observed:

(1.) No Ship propelled by Sails only shall carry a greater Number of Persons (including every Individual on Board) than in the Proportion of One Statute Adult to every Two Tons of her registered Tonnage:

(2.) No Ship, however propelled, shall carry under the Poop, or in the Round House or Deck House, or on the "Upper Passenger Deck," a greater Number of Passengers than in the Proportion of One Statute Adult to every Fourteen clear Snperficial Feet of Deck allotted to their Use if the Ship is not intended to pass within the Tropics, or of One statute Adult to every Fifteen such clear Superficial Feet if the Ship is intended to pass within the Tropics:

(3.) No Ship shall carry on her Lower Passenger Deck a greater Number of Passengers than in the Proportion of One Statute Adult to every Twenty clear Superficial Feet of Deck allotted to their Use: Provided, nevertheless, that if the Height between such Lower Passenger Deck and the Deck immediately above it shall be less than Seven Feet, or if the Apertures (exclusive of Side Scuttles) through which Light and Air shall be admitted together to the Lower Passenger Deck, shall be less in Size than in the Proportion of Three Square Feet to every One hundred Superficial Feet of the Lower Passenger Deck, no greater Number of Passengers shall be carried on such Deck than in the Proportion of One Statute Adult to every Twenty-five clear Superficial Feet thereof:

(4.) No Ship, whatever be her Tonnage or superficial Space of "Passenger Decks," shall carry a greater Number of Passengers on the whole than in the Proportion of One Statute Adult to every Five Superficial Feet, clear for Exercise, on the upper Deck or Poop, or (if secured and fitted on the Top with a Railing or Guard to the Satisfaction of the Emigration Officer at the Port of Clearance) on any Round House or Deck House:

(5.) In the Measurement of the Passenger Decks, Poop, Round House or Deck House, the Space for the Hospital and that occupied by such Portion of the personal Luggage of the Passengers as the Emigration Officer may permit to be carried there shall be included:

Arrangements for the Ship.

Penalty.

If there shall be on board of any Ship at or after the Time of Clearance a greater Number, either of Persons or Passengers (except by Births at Sea), than in the Proportions respectively herein-before mentioned, the Master of such Ship shall be liable to a Penalty not exceeding Ten Pounds nor less than Five Pounds Sterling for each Passenger or Person constituting such Excess.

Act of 16 & 17 Vict. c. 48, not to be repealed.

XV. Provided nevertheless, That nothing in this Act contained shall extend to repeal or vary an Act passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter Eighty-four, intituled "An Act to amend the Passengers Act, 1852," so far as relates to the Passages of Natives of Asia or Africa, and also Passages between the Island of Ceylon and certain Parts of the East Indies.

Passengers Lists to be delivered in Duplicate by the Master before Clearance.

XVI. The Master of every Ship, whether a "Passenger Ship" or otherwise, carrying Passengers on any Voyage to which this Act extends, shall, before demanding a Clearance for such Ship, sign Two Lists, made out according to the Form contained in Schedule (B.) hereto annexed, correctly setting forth in the Manner therein directed the Name and other Particulars of the Ship, and of every Passenger and Cabin Passenger on board thereof; and the said Lists, when countersigned by the Emigration Officer, where there is One at the Port, shall be delivered by the Master to the Officer of the Customs from whom a Clearance of the said Ship shall be demanded, and such Officer shall thereupon also countersign and return to the said Master One of such Lists, herein-after called "The Master's List;" and the said Master shall note in Writing on such last-mentioned List, and on any additional Lists to be made out as next herein-after provided, the Date and supposed Cause of Death of any Passenger who may die, and the Date of Birth and Sex of any Child who may be born on the Voyage, and shall exhibit such last-mentioned List, with any Additions which may from Time to Time be made thereto, as herein-after directed, to the Chief Officer of Customs at any Port or Place in Her Majesty's Possessions, or to Her Majesty's Consular Officer at any Foreign Port at which the said Passengers or any of them shall be landed, and shall deposit the same with such Chief Officer of Customs or such Consular Officer, as the Case may be, at the final Port or Place of Discharge, and such Officer of Customs or Consular Officer shall thereupon forthwith transmit the Particulars respecting any Passenger who may die, or of any Child who may be born on the Voyage to the Registrar General of Births, Deaths, and Marriages in England, who shall file the same, and enter a Copy thereof under his Hand, in the "Marine Register Book," which Entry shall be dealt with and be of the same Value as Evidence as any other Entry made in such Book under the Provisions of

of an Act passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled "An "Act for registering Births, Deaths, and Marriages in England." In case of Noncompliance with any of the Requirements of this Section on the Part of the Master, or if such Lists shall be wilfully false, the Master shall for each Offence be liable to a Penalty not exceeding One hundred Pounds nor less than Five Pounds Sterling. *Arrangements for the Ship.*

XVII. If at any Time after such Lists shall have been signed and delivered as aforesaid any additional Passenger or Cabin Passenger shall be taken on board, in every such Case the Master shall, according to the Form aforesaid, add to "The Master's List" the Names and other Particulars of every such additional Passenger or Cabin Passenger, and shall also sign a separate List, made out according to the Form aforesaid, containing the Names and other Particulars of every such additional Passenger or Cabin Passenger; and such last-mentioned List, when countersigned by the Emigration Officer, where there is One at the Port, shall, together with "The Master's List" to which such Addition shall have been made, be delivered to the Chief Officer of Customs as aforesaid, and thereupon such Officer shall countersign "The Master's List," and shall return the same to the said Master, and shall retain the separate List; and so on in like Manner whenever any additional Passenger or Passengers may be taken on board; or if no Officer of Customs shall be stationed at the Port or Place where such additional Passenger or Passengers may be taken on board, the said Lists shall be delivered to the Officer of Customs at the next Port or Place at which such Vessel shall touch or arrive and where any such Officer shall be stationed, to be dealt with as herein-before mentioned: Provided, that when any additional Passengers shall be taken on board the Master shall obtain a fresh Certificate from the Emigration Officer of the Port that all the Requirements of this Act have been duly complied with, before the Ship shall proceed to Sea. In case of Noncompliance with any of the Requirements of this Section, the Master of such Ship shall for each Offence be liable to a Penalty not exceeding Fifty Pounds nor less than Five Pounds Sterling. Lists of Passengers embarked after Clearance to be delivered by Master. Penalty.

XVIII. If any Person shall be found on board any Passenger Ship, with Intent to obtain a Passage therein without the Consent of the Owner, Charterer, or Master thereof, such Person, and every Person aiding and abetting him in such fraudulent Intent, shall respectively be liable to a Penalty not exceeding Five Pounds, and in default of Payment to Imprisonment, with Hard Labour, for a Period not exceeding Three Calendar Months; and such Person so found on board may be taken before any Justice of the Peace, without Warrant, and such Penalty on Stowaways and their Abettors.

Arrangements for the Ship.

Justice may summarily hear the Case, and on Proof of the Offence convict such Offender as aforesaid.

All Passenger Ships to be surveyed before clearing out.

XIX. No "Passenger Ship" shall clear out or proceed to Sea unless she shall have been surveyed, under the Direction of the Emigration Officer at the Port of Clearance, but at the Expense of the Owner or Charterer thereof, by Two or more competent Surveyors to be appointed by the said Emigration Commissioners for each Port at which there may be an Emigration Officer, and for other Ports by the Commissioners of Customs, nor unless it shall be reported by such Surveyors that such "Passenger Ship" is in their Opinion seaworthy, and fit for her intended Voyage. The Survey shall be made before any Part of the Cargo is taken on board, except so much as may be necessary for ballasting the Ship, and such Portion of Cargo if laden on board shall be shifted, if required by the Emigration Officer or Surveyors, so as to expose to view successively every Part of the Frame of the Ship. In case of Noncompliance with any of the Requirements of this Section, the Owner, Charterer, or Master of the Ship, or any of them, shall for each Offence be liable to a Penalty not exceeding One hundred Pounds nor less than Five Pounds Sterling: Provided always, that in case any "Passenger Ship" shall be reported by any such Surveyors not to be seaworthy, or not fit for her said intended Voyage, the Owner or Charterer, if he shall think fit, may require, by Writing under his Hand, the Emigration Officer, or in his Absence the Chief Officer of Customs, to appoint Three other competent Surveyors, of whom Two at least shall be Shipwrights, to survey the said Ship, at the Expense of the said Owner or Charterer; and the said Officer shall thereupon appoint such Surveyors, who shall survey the said Ship, and if they shall, by an unanimous Report under their Hands (but not otherwise), declare the said Ship to be seaworthy, and fit for her intended Voyage, the said Ship shall then, for the Purposes of this Act, be deemed seaworthy for such Voyage.

Penalty.

Appeal against Surveyors Opinion.

Beams and Decks.

XX. In every "Passenger Ship" the Beams supporting the "Passenger Decks" shall form Part of the permanent Structure of the Ship: They shall be of adequate Strength, in the Judgment of the Emigration Officer at the Port of Clearance, and shall be firmly secured to the Ship to his Satisfaction. The "Passenger Decks" shall be at least One Inch and a Half in Thickness, and shall be laid and firmly fastened upon the Beams continuously from Side to Side of the Compartment in which the Passengers are berthed. The Height between that Part of any Deck on which Passengers are carried and the Deck immediately above it shall not be less than Six Feet. In case of Noncompliance with any of the Requirements of this Section, the

the Owner, Charterer, or Master of the Ship, or any of them, shall for each Offence be liable to a Penalty not exceeding Fifty Pounds nor less than Five Pounds Sterling. *Arrangements for the Ship.*

XXI. There shall not be more than Two Tiers of Berths on any One Deck in any "Passenger Ship," and the Interval between the Floor of the Berths and the Deck immediately beneath them shall not be less than Six Inches, nor the Interval between each Tier of Berths and between the uppermost Tier and the Deck above it less than Two Feet Six Inches: The Berths shall be securely constructed, and of Dimensions not less than after the Rate of Six Feet in Length and Eighteen Inches in Width for each Statute Adult, and shall be sufficient in Number for the proper Accommodation of all the Passengers contained in the Lists of Passengers herein-before required to be delivered by the Master of the Ship. No Part of any Berth shall be placed within Nine Inches of any Water-closet erected in the Between-Decks. In case of Noncompliance with any of the Requirements of this Section, the Owner, Charterer, or Master of the Ship, or any of them, shall for each Offence be liable to a Penalty not exceeding Fifty Pounds nor less than Five Pounds Sterling. Arrangement and Size of Berths.

XXII. In every "Passenger Ship" all the unmarried Male Passengers of the Age of Fourteen Years and upwards shall, to the Satisfaction of the Emigration Officer at the Port of Clearance, be berthed in the fore Part of the Ship, in a Compartment divided off from the Space appropriated to the other Passengers by a substantial and well-secured Bulk-head, or in separate Rooms if the Ship be fitted with enclosed Berths: Not more than One Passenger, unless Husband and Wife, or Females or Children under Twelve Years of Age, shall be placed in the same Berth. In case of Noncompliance with any of the Requirements of this Section, the Owner, Charterer, or Master of the Ship, or any of them, shall for each Offence be liable to a Penalty not exceeding Fifty Pounds nor less than Five Pounds Sterling. Single Men to be berthed in a separate Compartment. As to Numbers and Sexes in One Berth.

XXIII. No Berths in a "Passenger Ship" occupied by Passengers during the Voyage shall be taken down until Forty-eight Hours after the Arrival of such Ship at the Port of final Discharge, unless all the Passengers shall have voluntarily quitted the Ship before the Expiration of that Time. In case of Noncompliance with any of the Requirements of this Section, the Master of such Ship shall be liable for each Offence to a Penalty not exceeding Fifty Pounds nor less than Five Pounds Sterling. Berths not to be removed till Passengers landed.

XXIV. In every "Passenger Ship" there shall be a sufficient Space properly divided off to the Satisfaction of the Emigration Officer at Hospital.

Arrangements for the Ship.

the Port of Clearance, to be used exclusively as a Hospital or Hospitals for the Passengers: This Space shall be under the Poop, or in the Round House, or in any Deck House which shall be properly built and secured to the Satisfaction of such Emigration Officer, or on the Upper Passenger Deck, and not elsewhere, and shall in no Case be less than Eighteen clear Superficial Feet for every Fifty Passengers which the Ship shall carry. Such Hospitals shall be fitted with Bed-places, and supplied with proper Beds, Bedding, and Utensils, to the Satisfaction of the Emigration Officer at the Port of Clearance, and throughout the Voyage kept so fitted and supplied. In case of Noncompliance with any of the Requirements of this Section, the Owner, Charterer, or Master of the Ship shall for each Offence be liable to a Penalty not exceeding Fifty Pounds nor less than Five Pounds Sterling.

Penalty.

Privies.

XXV. No "Passenger Ship" shall clear out or proceed to Sea unless fitted, to the Satisfaction of the Emigration Officer at the Port of Clearance, with at least Two Privies, and with Two additional Privies on Deck for every One hundred Passengers on board, and in Ships carrying as many as Fifty Female Passengers, with at least Two Water-closets under the Poop, or elsewhere on the Upper Deck, to the Satisfaction of such Emigration Officer, for the exclusive Use of the Women and young Children; all of which Privies and Water-closets shall be maintained in a serviceable and cleanly Condition throughout the Voyage, and shall not be taken down until the Expiration of Forty-eight Hours after the Arrival of the Ship at the Port of final Discharge, unless all the Passengers sooner quit the Ship; provided that such Privies shall be placed in equal Numbers on each Side of the Ship, and need not in any Case exceed Twelve in Number. In case of Noncompliance with any of the Requirements of this Section, the Master shall be liable to a Penalty for each Offence not exceeding Fifty Pounds nor less than Five Pounds Sterling.

Light and Ventilation.

XXVI. No "Passenger Ship" shall clear out or proceed to Sea without having made such Provision for affording Light and Air to the Passenger Decks as the Circumstances of the Case may, in the Judgment of the Emigration Officer at the Port of Clearance, require; nor if there are as many as One hundred Passengers on board, without having an adequate and proper ventilating Apparatus, to be approved by such Emigration Officer and fitted to his Satisfaction; the Passengers shall, moreover, have the free and unimpeded Use of the whole of each Hatchway situated over the Space appropriated to their Use, and over each such Hatchway there shall be erected such a Boobyhatch or other substantial Covering as shall, in the Opinion of such Emigration Officer, afford the greatest Amount of Light and Air, and of Protection from Wet, as the Case will

will admit. In case of Noncompliance with any of the Requirements of this Section, the Owner, Charterer, or Master of the Ship, or any of them, shall for each Offence be liable to a Penalty not exceeding Fifty Pounds nor less than Twenty Pounds. *Arrangements for the Ship.* Penalty.

XXVII. Every "Passenger Ship" shall carry throughout the Voyage a Number of Boats according to the following Scale; (that is to say,) Boats.

Two Boats for every Ship of less than Two hundred Tons:

Three Boats for every Ship of Two hundred and less than Four hundred Tons:

Four Boats for every Ship of Four hundred and less than Six hundred Tons:

Five Boats for every Ship of Six hundred and less than Ten hundred Tons:

Six Boats for every Ship of Ten hundred and less than Fifteen hundred Tons:

Seven Boats for every Ship of Fifteen hundred Tons and upwards:

Provided that no "Passenger Ship" shall be required to carry a greater number of Boats than are sufficient in the Judgment of the Emigration Officer at the Port of Clearance to carry all the Persons on board of such Ship.

One of such Boats shall in all Cases be a Long Boat, and One shall be a properly fitted Life Boat, which shall be kept properly suspended at the Quarter or Stern of the Ship; and each of such Boats shall be of a suitable Size, to be approved by the Emigration Officer at the Port of Clearance, and shall be seaworthy, and properly supplied with all Requisites, and kept clear at all Times for immediate Use at Sea: There shall likewise be on board each "Passenger Ship" if proceeding to any Place to the Southward of the Equator, at least Two Chronometers, and if to any Place to the Northward of the Equator, at least One Chronometer, and on board of all "Passenger Ships" at least Three Steering and One Azimuth Compass, Four properly fitted Life Buoys, kept ready at all Times for immediate Use, and some adequate Means, to be approved by the Emigration Officer at the Port of Clearance, of making Signals by Night and in Fogs; also a Fire Engine, in proper working Order, and of such Description and Power and either with or without such other Apparatus for extinguishing Fire as such Officer may approve; and not less than Three Bower Anchors of such Weight, and with Cables of such Length, Size, and Material, as in the Judgment of such Emigration Officer shall be sufficient for the Size of the Ship. In case of Noncompliance with any of the Requirements of this Section, the Master of the Ship shall for each Offence be liable to a Penalty not exceeding Fifty Pounds nor less than Five Pounds Sterling. Life Boat. Life Buoys, Anchors, and Fire Engines, &c.

Arrangements for the Ship.

Crew.

XXVIII. Every "Passenger Ship" shall be manned with an efficient Crew for her intended Voyage, to the Satisfaction of the Emigration Officer from whom a Clearance of such Ship may be demanded, and the Strength of the Crew shall not be diminished, nor any of the Men changed when once passed by such Emigration Officer, without his Consent in Writing, or that of the Shipping Master of the Port of Clearance, as required by the Laws then in force regulating the shipping of Seamen on board Merchant Vessels. In case of Noncompliance with any of the Requirements of this Section, the Master of the Ship shall for each Offence be liable to a Penalty not exceeding Fifty Pounds: Provided, that if the Emigration Officer shall consider the Crew inefficient, and the Owner or Charterer of the Ship shall thereupon appeal in Writing to the said Emigration Commissioners, such Commissioners shall, at the Expense of the Appellant, appoint Two other Emigration Officers or Two competent Persons to examine into the Matter, and the unanimous Opinion of the Persons so appointed, expressed under their Hands, shall be conclusive on the Point.

Certain Articles prohibited as Cargo and Ballast.

XXIX. No "Passenger Ship" shall clear out or proceed to Sea if there shall be on board as Cargo, Horses, Cattle, Gunpowder, Vitriol, Lucifer Matches, Guano, or Green Hides, nor if there shall be on board any other Article or Number of Articles, whether as Cargo or Ballast, which by reason of the Nature or Quantity or Mode of Stowage thereof shall, either singly or collectively, be deemed by the Emigration Officer at the Port of Clearance likely to endanger the Health or Lives of the Passengers or the Safety of the Ship: No Part of the Cargo, or of the Passengers Luggage, or of the Provisions, Water, or Stores, whether for the Use of the Passengers or of the Crew, shall be carried on the Upper Deck or on the "Passenger Decks," unless in the Opinion of such Emigration Officer it shall be so placed as not to impede Light or Ventilation, nor interfere with the Comfort of the Passengers; nor unless the same be stowed and secured to the Satisfaction of such Emigration Officer, and the Space occupied thereby or rendered, in the Opinion of such Officer, unavailable for the Accommodation of the Passengers, shall (unless occupied by Passengers Luggage) be deducted in calculating the Space by which, under the Provisions of this Act, the Number of Passengers is regulated. In case of Noncompliance with any of the Requirements of this Section, the Owner, Charterer, or Master, or any of them, shall for each Offence be liable to a Penalty not exceeding Three hundred Pounds nor less than Five Pounds Sterling.

Stowage of Cargo, Stores, and Luggage to be approved by Emigration Officer.

Computation of Voyages.

XXX. For the Purposes of this Act, the Length of the Voyage for a "Passenger Ship" proceeding from the United Kingdom to the

the under-mentioned Places respectively, shall be determined by the following Scale ; (that is to say,)

Arrangements for the Ship.

	If the Ship be propelled by Sails alone.	If the Ship be propelled either wholly or in aid of Sails by Steam Engines of not less Power than after the Rate of 20 Horses to every 100 Registered Tons.
	Days.	*Days.*
To North America (except the West Coast thereof):—		
For Ships clearing out between the Sixteenth Day of January and the Fourteenth Day of October, both Days inclusive	70	40
For Ships clearing out between the Fifteenth Day of October and the Seventeenth Day of January, both Days inclusive	80	45
To the West Indies	70	40
To any Part of the East Coast of the Continent of Central or South America Northward of the Twenty-fifth Degree of South Latitude, except British Guiana	84	50
To the West Coast of Africa North of the Equator	84	50
To the Coast of Africa South of the Equator, or to the Falkland Islands, or to any Part of the East Coast of South America Southward of the Twenty-fifth Degree of South Latitude	105	65
To the Mauritius, and to the Western Coast of America South of the Equator	126	75
To Ceylon	140	85
To Western Australia	420	85
To any other of the Australian Colonies	140	90
To New Zealand and to the Western Coast of America between the Equator and the Fortieth Degree of North Latitude	150	90
To the Western Coast of America North of the Fortieth Degree of North Latitude, and the Islands adjacent thereto	182	96

For the like Purposes, the said Emigration Commissioners, acting by and under the Authority of One of Her Majesty's Principal Secretaries of State, from Time to Time, by any Notice in Writing issued under the Hands of any Two of such Commissioners, and published in the London Gazette, may nevertheless declare what shall be deemed to be the Length of Voyage from the United Kingdom to any of the said herein-before mentioned Places, or to any other Port or Place whatsoever,

Arrangements for the Ship.

whatsoever, and may fix such different Lengths of Voyage as they may think reasonable for such different Descriptions of Vessels as aforesaid.

Before Clearance, Provisions and Water to be surveyed.

XXXI. Before any "Passenger Ship" shall be cleared out the Emigration Officer at the Port of Clearance shall survey or cause to be surveyed by some competent Person the Provisions and Water by this Act required to be placed on board for the Consumption of the Passengers, and shall satisfy himself that the same are of a good and wholesome Quality, and in a sweet and good Condition, and are in Quantities sufficient to secure throughout the Voyage the Issues herein-after prescribed: He shall also satisfy himself that over and above the same there is on board, for the victualling of the Crew of the Ship and all other Persons, if any, on board, an ample Supply of wholesome Provisions and Stores and of pure Water, and also for cooking Purposes an additional Supply of pure Water after the Rate of at least Twenty-five Gallons for every Day of the prescribed Length of Voyage for every One hundred Statute Adults on board; and further, that such of the last-mentioned Provisions or Stores as consist of Articles of a like Description to those hereby required for the Consumption of the Passengers are not inferior in Quality to the same: All such Water, Provisions, and Stores shall be provided and properly stowed away in accordance with the Requirements of the Twenty-ninth Section of this Act, by and at the Expense of the Owner, Charterer, or Master of the Ship; and if a Clearance be obtained for any "Passenger Ship" which shall not be then stored with the requisite Quantities of such Water, Provisions, and Stores as are required by this Act, the Owner, Charterer, or Master of such Ship, or any of them, shall for each Offence be liable to a Penalty not exceeding Three hundred Pounds Sterling.

Provisions for the Crew not to be inferior to those for the Passengers.

Penalty.

Power to Emigration Officer to reject and mark bad Provisions, and direct the same to be landed.

XXXII. If such Emigration Officer shall consider that any of the Provisions or Stores are not of a good and wholesome Quality, or are not in a sweet or good Condition, it shall be lawful for him to reject and mark the same, or the Packages in which they are contained, and to direct the same to be landed; and if such rejected Provisions or Stores shall not thereupon be forthwith landed, or if, after being landed, the same or any Part thereof shall be reshipped in such Ship, the Owner, Charterer, or Master thereof, or any of them, or if reshipped in any other "Passenger Ship," the Person causing the same to be reshipped, shall for each Offence be liable to a Penalty not exceeding One hundred Pounds Sterling.

Penalty.

Water Tanks or Casks to be approved

XXXIII. In every "Passenger Ship" the Water to be laden on board, as herein-before required, shall be carried in Tanks or in Casks

Casks to be approved by the Emigration Officer at the Port of Clearance. When Casks are used, they shall be sweet and tight, of sufficient Strength, and if of Wood properly charred inside, and shall not be capable severally of containing more than Three hundred Gallons each; The Staves of the Water Casks shall not be made of Fir, Pine, or soft Wood. In case of Noncompliance with any of the Requirements of this Section, the Owner, Charterer, or Master of such Ship, or any of them, shall for each Offence be liable to a Penalty not exceeding Fifty Pounds.

Arrangements for the Ship. — by Emigration Officer.

XXXIV. If any "Passenger Ship" shall be intended to call at any intermediate Port or Place during the Voyage, for the Purpose of taking in Water, and if an Engagement to that Effect shall be inserted in the Bond mentioned in the Sixty-third Section of this Act, then it shall be sufficient to place on board at the Port of Clearance such Supply of Water as may be requisite, according to the Rate hereinafter mentioned, for the Voyage of the said Ship to such intermediate Port or Place, subject to the following Conditions; (that is to say,)

Proviso for touching at intermediate Ports to fill up Water.

First, That the Emigration Officer signify his Approval in Writing of the Arrangement, to be carried amongst the Papers of the Ship, and exhibited to the Chief Officer of Customs, or to Her Majesty's Consular Officer, as the Case may be, at such intermediate Port or Place, and to be delivered to the Chief Officer of Customs, or to Her Majesty's Consular Officer, as the Case may be, on the Arrival of the said Ship at the final Port or Place of Discharge:

Secondly, That if the Length of either Portion of the Voyage, whether to such intermediate Port or Place, or from such intermediate Port or Place to the final Port or Place of Discharge, be not prescribed in or under the Provisions of this Act, the Emigration Officer at the Port of Clearance shall in every such Case declare the same in Writing to be carried amongst the Papers of the Ship:

Thirdly, That the Ship shall have on board at the Time a Clearance is demanded Tanks or Water Casks, of the Description herein-before mentioned, sufficient for stowing the Quantity of Water required for the longest of such Portions of the Voyage as aforesaid.

XXXV. The Master of every "Passenger Ship" shall, during the Voyage, including the Time of Detention at any Place before the Termination thereof, issue to each Passenger, or, where the Passengers are divided into Messes, to the Head Man for the Time being of each Mess on behalf and for the Use of all the Members thereof, an Allowance

Dietary Scales.

Arrangements for the Ship.

ance of pure Water and sweet and wholesome Provisions, of good Quality, according to the following Dietary Scale; (that is to say,)

Three Quarts of Water daily for each Statute Adult, exclusive of the Quantity herein-before specified as necessary for cooking the Articles herein-after required to be issued in a cooked State.

Weekly.	$5\frac{1}{2}$ lbs. of Bread or Biscuit, not inferior in Quality to Navy Biscuit.	Per Statute Adult.
	3 lbs. Wheaten Flour.	
	$\frac{1}{2}$ lb. of Beef.	
	2 lbs. of Pork.	
	$\frac{1}{2}$ lb. preserved Meat or dried Salt Fish.	
	$\frac{3}{4}$ Pint Peas, to make 3 Pints of Soup.	
	2 oz. of Tea or 4 oz. of Cocoa or of Coffee roasted and ground.	
	1 lb. Sugar.	
	1 Gill Mixed Pickles.	
	$\frac{1}{2}$ oz. Mustard.	
	2 oz. Salt.	
	$\frac{1}{4}$ oz. Black or White Pepper, ground.	
	And also, if the Length of the Voyage computed as herein-before mentioned shall exceed 84 Days for Ships propelled by Sails only, or 50 Days for Ships propelled by Steam, or Steam in aid of Sails:	
	8 oz. Raisins, or 10 oz. Currants.	
	6 oz. Suet.	
	8 oz. preserved Potatoes.	
	4 oz. Butter.	

As to Articles which may be substituted for Bread or Biscuits.

Substitutions at the following Rates may at the Option of the Master of any "Passenger Ship" be made in the above Dietary Scale, that is to say, 1 lb. of preserved Meat for 1 lb. of Salt Beef or Salt Pork, 5 lbs. of good Potatoes, or $1\frac{1}{4}$ lb. of preserved Potatoes, or $1\frac{1}{4}$ lb. of Oatmeal, or 1 lb. of Rice, for 1 lb. of Bread or Biscuit or Wheaten Flour, provided that the Quantity of Bread or Biscuit issued during the Week shall not be less than $3\frac{1}{2}$ lbs., or of Wheaten Flour not less than 2 lbs.; and provided also, that the substituted Articles be set forth in the Contract Tickets of the Passengers. In case of Non-compliance with any of the Requirements of this Section, the Master of the Ship shall be liable for each Offence to a Penalty not exceeding Fifty Pounds Sterling.

Penalty.

Provisions to be issued

XXXVI. In every "Passenger Ship" the Passengers may for Dietary Purposes be divided into Messes consisting of not more than Ten

Arrangements for the Ship.

Ten Statute Adults in each Mess. The Provisions according to the above Scale shall be issued, such of them as require to be cooked in a cooked State, daily before Two o'Clock in the Afternoon to the Head Man for the Time being of each Mess on behalf and for the Use of the Members thereof. The First of such Issues shall be made before Two o'Clock in the Afternoon of the Day of Embarkation to or for such Passengers as shall be then on board. In case of Noncompliance with any of the Requirements of this Section, the Master of the Ship shall for each Offence be liable to a Penalty not exceeding Fifty Pounds.

daily, and Articles which require cooking to be cooked.

Emigration Commissioners may authorize an alternative Dietary Scale.

XXXVII. The said Emigration Commissioners for the Time being, acting under the Authority of One of Her Majesty's Principal Secretaries of State, may from Time to Time, by any Notice for that Purpose, issued under the Hands of any Two of such Commissioners, and published in the London Gazette, authorize the Issue of Provisions in any "Passenger Ship" according to such other Dietary Scale (besides that herein-before prescribed) as shall in their Opinion contain in the whole an equivalent Amount of wholesome Nutriment; and after the Publication of such Notice it shall be lawful for the Master of any "Passenger Ship" to issue Provisions to his Passengers either according to the Scale by this Act prescribed, or according to the Scale authorized by the said Commissioners, whichever may have been set forth in the Contract Tickets of the Passengers: Provided always, that the said Commissioners acting under such Authority and by such Notice as aforesaid may revoke or alter any such Dietary Scale authorized by them, as Occasion may require.

Commissioners Dietary Scale may be revoked, &c.

Passengers Stewards.

XXXVIII. Every "Passenger Ship" carrying as many as One hundred Passengers shall have on board a seafaring Person, who shall be rated in the Ship's Articles as Passengers Steward, and who shall be approved by the Emigration Officer at the Port of Clearance, and who shall be employed in messing and serving out the Provisions to the Passengers, and in assisting to maintain Cleanliness, Order, and good Discipline among the Passengers, and who shall not assist in any way in navigating or working the Ship. In case of Noncompliance with any of the Requirements of this Section, the Master of the Ship shall for each Offence be liable to a Penalty not exceeding Fifty Pounds nor less than Five Pounds Sterling.

Passenger Cooks and cooking Apparatus.

XXXIX. Every "Passenger Ship" carrying as many as One hundred Passengers shall also have on board a seafaring Man, or if carrying more than Three hundred "Statute Adults," Two seafaring Men, to be rated and approved as in the Case of Passengers Stewards, who shall be employed in cooking the Food of the Passengers: A convenient Place for cooking shall also be set apart on Deck;

Arrangements for the Ship.

and a sufficient cooking Apparatus, properly covered in and arranged, shall be provided, to the Satisfaction of the said Emigration Officer, together with a proper Supply of Fuel adequate, in his Opinion, for the intended Voyage. In case of Noncompliance with any of the Requirements of this Section, the Master of the Ship shall for each Offence be liable to a Penalty not exceeding Fifty Pounds nor less than Five Pounds Sterling.

Penalty.

In what Cases Interpreters to be carried.

XL. In every Foreign "Passenger Ship" in which as many as One Half of the Passengers shall be British Subjects, unless the Master and Officers or not less than Three of them shall understand and speak intelligibly the English Language, there shall be carried, where the Number of Passengers does not exceed Two hundred and fifty, One Person, and where it exceeds Two hundred and fifty, Two Persons, who understand and speak intelligibly the Language spoken by the Master and Crew and also the English Language, and such Persons shall act as Interpreters, and be employed exclusively in Attendance on the Passengers, and not in the working of the Ship; and no such Ship shall clear out or proceed to Sea without having such Interpreter or Interpreters on board; and the Master of any such Foreign Ship clearing out or proceeding to Sea without having such Interpreter or Interpreters on board as aforesaid shall for each Offence be liable to a Penalty not exceeding Fifty Pounds nor less than Five Pounds Sterling.

In what Cases a Medical Man must be carried.

XLI. Every "Passenger Ship" shall in the following Cases carry a duly qualified Medical Practitioner, who shall be rated on the Ship's Articles:

First, when the Duration of the intended Voyage, as hereinbefore computed, exceeds Eighty Days in the Case of Ships propelled by Sails, and Forty-five Days in the Case of Ships propelled by Steam, and the Number of Passengers on board exceeds Fifty:

Second, whenever the Number of Persons on board (including Cabin Passengers, Officers, and Crew,) exceeds Three hundred:

In case of Noncompliance with any of the Requirements of this Section, the Master shall for each Offence be liable to a Penalty not exceeding One hundred Pounds nor less than Twenty Pounds Sterling.

Qualification of Medical Man.

XLII. No Medical Practitioner shall be considered to be duly qualified for the Purposes of this Act unless authorized by Law to practise in any Part of Her Majesty's Dominions, or, in the Case of a Foreign Ship, in the Country to which such Ship may belong, as a Physician, Surgeon, or Apothecary, nor unless his Name shall

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shall have been notified to the Emigration Officer at the Port of Clearance, and shall not be objected to by him, nor unless he shall be provided with proper surgical Instruments to the Satisfaction of such Officer: Provided, nevertheless, that where the Majority of the Passengers in any "Passenger Ship," or as many as Three hundred, are Foreigners, any Medical Practitioner who may be approved by such Emigration Officer may be carried therein. In case any Person shall proceed or attempt to proceed as Medical Practitioner in any "Passenger Ship" without being duly qualified as aforesaid, or contrary to any of the Requirements of this Section, such Person and all Persons aiding or abetting therein shall for each Offence be liable to a Penalty not exceeding One hundred Pounds nor less than Ten Pounds Sterling.

Medicines and Medical Comforts.

XLIII. The Owner or Charterer of every "Passenger Ship" shall provide for the Use of the Passengers a Supply of Medicines, Medical Comforts, Instruments, and other Things proper and necessary for Diseases and Accidents incident to Sea Voyages, and for the Medical Treatment of the Passengers during the Voyage, including an adequate Supply of disinfecting Fluid or Agent, together with printed or written Directions for the Use of the same respectively; and such Medicines, Medical Comforts, Instruments, and other Things shall, in the Judgment of the Emigration Officer at the Port of Clearance, be good in Quality, and sufficient in Quantity, for the probable Exigencies of the intended Voyage, and shall be properly packed and placed under the Charge of the Surgeon, when there is One on board, to be used at his Discretion. In case of Noncompliance with any of the Requirements of this Section, the Master of the Ship shall for each Offence be liable to a Penalty not exceeding Fifty Pounds, nor less than Five Pounds Sterling.

Medical Inspection of Passengers and Medicines, &c.

XLIV. No "Passenger Ship," except as herein-after provided, shall clear out or proceed to Sea until some Medical Practitioner, to be appointed by the Emigration Officer at the Port of Clearance, shall have inspected such Medicines, Medical Comforts, and other Articles as are required to be supplied by the last preceding Section, and also all the Passengers and Crew about to proceed in the Ship, and shall have certified to the said Emigration Officer that the said Ship contains a sufficient Supply of Medicines, Medical Comforts, disinfecting Fluid or Agent, Instruments, and other Things requisite for the Medical Treatment of the Passengers during the intended Voyage, nor until such Medical Practitioner shall have certified and the said Emigration Officer shall be satisfied that none of the Passengers or Crew appear, by reason of any bodily or mental Disease, unfit to proceed, or likely to endanger the Health or Safety of

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the other Persons about to proceed in such Vessel. Such Medical Inspection of the Passengers shall take place either on board the Vessel, or, at the Discretion of the said Emigration Officer, at such convenient Place on shore before Embarkation as he may appoint; and the Master, Owner, or Charterer of the Ship shall pay to such Emigration Officer a Sum at the Rate of Twenty Shillings or every Hundred Persons so examined: Provided also, that in case the Emigration Officer on any particular Occasion shall be unable to obtain the Attendance of a Medical Practitioner, it shall be lawful for the Master of any such Ship to clear out and proceed to Sea, on receiving from the said Emigration Officer written Permission for the Purpose. In case any "Passenger Ship" shall clear out or proceed to Sea without having complied with all the Requirements of this Section, the Master of such Ship shall for each Offence be liable to a Penalty not exceeding One hundred Pounds, nor less than Five Pounds Sterling.

Proviso where no Medical Practitioner can be obtained.

Penalty.

Relanding of Passengers on account of Sickness or for purifying Ships.

XLV. If the Emigration Officer at any Port shall be satisfied that any Person on board or about to proceed in any "Passenger Ship" is by reason of Sickness unfit to proceed, or is for that or for any other Reason likely to endanger the Health or Safety of the other Persons on board, or that it is necessary for the Purification of the Ship or otherwise that all or any of the Passengers or Persons on board should be relanded, the said Emigration Officer may require the Master of the Ship to reland all such Passengers or Persons with so much of their Effects and with such Members of their Families as cannot in his Judgment be properly separated from them; and in case of Non-compliance with any of the Requirements of this Section, the Master, Owner, or Charterer of the Ship shall for each Offence be liable to a Penalty not exceeding Two hundred Pounds nor less than Ten Pounds and any Passenger or Person so directed to be relanded, and refusing or neglecting to leave the Ship when required to do so, shall be liable to be summarily removed, and to a Penalty not exceeding Forty Pounds for each Day which he shall remain on board after the giving of such Direction.

Penalty.

Passengers Rights.

Return of Passage Money to Passengers relanded.

XLVI. Any Passenger so relanded on account of the Sickness of himself or of any Member of his Family who may not be re-embarked and finally sail in such Ship, or any Emigration Officer on his Behalf, shall be entitled to recover, by summary Process, the whole of the Monies which may have been paid by or on account of such Passenger for his Passage, from the Party to whom the same may have been paid, or from the Owner, Charterer, or Master of such Ship, or any of them, at the Option of such Passenger or Emigration Officer.

XLVII. The

Passengers Rights.

Subsistence Money to be paid to Passengers relanded.

XLVII. The Master of any "Passenger Ship," from which the whole or any Part of the Passengers shall be relanded on account of any of the Reasons mentioned in Section XLV. shall pay to each Passenger so relanded (or if he shall be lodged and maintained in any Hulk or Establishment under the Superintendence of the said Emigration Commissioners, then to the Emigration Officer at the Port,) Subsistence Money at the Rate of One Shilling and Sixpence a Day until he shall be re-embarked or decline or neglect to proceed, or until his Passage Money, if recoverable under the Forty-sixth Section of this Act, be returned to him.

Return of Passage Money and Compensation to Passengers where Passages not provided for them according to Contract.

XLVIII. If any Person by whom or on whose Behalf any Contract shall have been made for a Passage in any Ship proceeding on any Voyage to which this Act extends, shall be at the Place of Embarkation before Six o'Clock in the Afternoon of the Day of Embarkation appointed in such Contract, and shall, if required, pay the stipulated Passage Money, or the unpaid Balance thereof, and if from any Cause whatever, other than his own Refusal, Neglect, or Default, or the Prohibition of an Emigration Officer, as herein-before mentioned, or the Requirements of any Order in Council, such Passenger shall not be received on board before that hour, or if from any such Cause as aforesaid any Passenger who shall have been received on board shall not either obtain a Passage in such Ship to the Port at which he may have contracted to land, or, together with all the immediate Members of his Family who may be included in such Contract, obtain a Passage to the same Port in some other equally eligible Ship, to sail within Ten Days from the Expiration of the said Day of Embarkation, and in the meantime be paid Subsistence Money from the Time and at the Rate herein-after mentioned, such Passenger, or any Emigration Officer on his Behalf, shall be entitled to recover either from the Party to whom or on whose Account the same may have been paid, or (in case such Contract shall have been made with the Owner, Charterer, or Master of such Ship, or with any Person acting on behalf or by the Authority of any of them respectively,) such Owner, Charterer, or Master of such Ship, or any of them, at the Option of such Passenger or Emigration Officer, all Monies which shall have been paid by or on account of such Passengers for such Passage, and also such further Sum, not exceeding Ten Pounds in respect of each such Passage, as shall, in the Opinion of the Justices of the Peace who shall adjudicate on the Complaint, be a reasonable Compensation for the Loss or Inconvenience occasioned to such Passenger by the Loss of such Passage.

Subsistence in case of Detention.

XLIX. If any Ship, whether a "Passenger Ship" or otherwise, shall not actually put to Sea, and proceed on her intended Voyage before Three o'Clock in the Afternoon of the Day next after the said

Passengers Rights.

said Day of Embarkation, the Owner, Charterer, or Master of such Ship, or his or their Agent, or any of them, at the Option of such Passenger or Emigration Officer, shall pay to every Passenger entitled to a Passage (or if such Passenger shall be lodged and maintained in any Establishment under the Superintendence of the said Emigration Commissioners, then to the Emigration Officer at the Port of Embarkation,) Subsistence Money after the Rate of One Shilling and Sixpence for each Statute Adult in respect of each Day of Delay for the first Ten Days, and afterwards Three Shillings a Day for each Statute Adult, until the final Departure of such Ship on such Voyage, and the same may be recovered in manner herein-after mentioned; provided that if the Passengers be maintained on board in the same Manner as if the Voyage had commenced, no such Subsistence Money shall be payable for the first Two Days next after the said Day of Embarkation, nor if they shall be maintained shall such Subsistence Money be payable if the Ship be unavoidably detained either by Wind or Weather.

Ships putting back to replenish Provisions, &c.

L. If any "Passenger Ship" shall, after Clearance, be detained in Port for more than Seven Days, or shall put into or touch at any Port or Place in the United Kingdom, she shall not put to Sea again until there shall have been laden on board, at the Expense of the Owner, Charterer, or Master of such Ship, such further Supply of pure Water, wholesome Provisions of the requisite Kinds and Qualities, and Medical Comforts and Stores, as may be necessary to make up the full Quantities of those Articles herein-before required for the Use of the Passengers during the whole of the intended Voyage, nor until any Damage she may have sustained shall have been effectually repaired, nor until the Master of the said Ship shall have obtained from the Emigration Officer or his Assistant, or, where there is no such Officer, or in his Absence, from the Officer of Customs at such Port or Place, a Certificate to the same Effect as the Certificate herein-before required to enable the Ship to be cleared out; and in case of any Default herein the said Master shall be liable, on Conviction, as herein-after mentioned, to a Penalty not exceeding One hundred Pounds nor less than Fifty Pounds Sterling:

Penalty on Master for Default.

Ships putting back to be reported to Emigration Officer.

And, if the Master of any "Passenger Ship" so putting into or touching at any Port or Place as aforesaid shall not within Twelve Hours thereafter report in Writing, his Arrival, and the Cause of his putting back, and the Condition of his Ship, and of her Stores and Provisions, to the Emigration Officer, or, as the Case may be, to the Officer of Customs at the Port, and shall not produce to such Officer the Official or "Master's List" of Passengers, such Master shall for each Offence be liable to a Penalty not exceeding Twenty Pounds nor less than Two Pounds Sterling.

Penalty on Master for Neglect.

LI. If

Passengers Rights.

LI. If any "Passenger Ship" shall put into any Port or Place in the United Kingdom in a damaged State, and the Master, Charterer, or Owner shall not give a written Undertaking that the said Ship shall be made sound and seaworthy, and shall within Six Weeks from the Day of her so putting into such Port or Place again proceed with her Passengers on her intended Voyage, and if the said Ship shall not accordingly be made seaworthy and proceed on her intended Voyage within that Period, or if any such Ship shall after the Commencement of her Voyage be wrecked, sunk, or otherwise destroyed, or shall from any Cause whatsoever not land her Passengers at the Place where they may have respectively contracted to land, the Owner, Charterer, or Master thereof shall provide the Passengers with a Passage in some other eligible Ship to sail within Six Weeks to the Port or Place at which they respectively may have originally contracted to land, and shall in the meantime, if the Passengers be not lodged and maintained on board in the same Manner as if the Ship were at Sea, pay to such Passengers (or if such Passengers shall be lodged or maintained in any Hulk or Establishment under the Superintendence of the said Emigration Commissioners, then to the Emigration Officer at such Port or Place,) Subsistence Money after the Rate of One Shilling and Sixpence Sterling for each Statute Adult in respect of each Day of Delay until such Passengers are duly forwarded to their Destination; and if Default shall be made in any of the Requirements of this Section such Passengers respectively, or any Emigration Officer on their Behalf, shall be entitled to recover, by summary Process, as herein-after mentioned, all Monies which shall have been paid by or on account of such Passengers or any of them for such Passage, from the Party to whom or on whose Account the same may have been paid, or from the Owner, Charterer, or Master of such Ship, or any of them, at the Option of such Passenger or Emigration Officer: Provided that the said Emigration Officer may, if he shall think it necessary, direct that the Passengers shall be removed from such "Passenger Ship" at the Expense of the Master thereof; and if after such Direction any Passenger shall refuse to leave such Ship, he shall be liable to a Penalty not exceeding Forty Shillings or to Imprisonment not exceeding One Calendar Month.

In case of Wreck or Damage Passengers to be provided with a Passage by some other Vessel, and maintained in the meantime.

In Default, Passage Money to be returned.

Power to remove Passengers from Ship;

Penalty on Passengers refusing.

LII. If the Passengers or Cabin Passengers of any "Passenger Ship" shall be taken off from any such "Passenger Ship" or shall be picked up at Sea from any Boat, Raft, or otherwise, it shall be lawful, if the Port or Place to which they shall be conveyed shall be in the United Kingdom, for One of Her Majesty's Principal Secretaries of State, or if in any of Her Majesty's Colonial Possessions, for the Governor of such Colony, or for any Person authorized by him for the

Secretary of State, Governor, or Consul may pay Expenses of taking off Passengers at Sea.

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Purpose, or if in any Foreign Country, for Her Majesty's Consular Officer, at such Port or Place therein, to defray all or any Part of the Expenses thereby incurred.

Governors or Consuls may send on shipwrecked Passengers if the Master of the Ship fail to do so.

LIII. If any Passenger or Cabin Passenger of any "Passenger Ship" shall, without any Neglect or Default of his own, find himself within any Colonial or Foreign Port or Place other than that at which he may have contracted to land, and the Master of such Ship shall decline or omit within Six Weeks thereafter to forward or carry him on to his original Destination, it shall be lawful for the Governor of such Colony, or for any Person authorized by him for the Purpose, or for Her Majesty's Consular Officer at such Foreign Port or Place, as the Case may be, to forward such Passenger to his intended Destination.

Expenses incurred under the Two preceding Sections to be a Crown Debt.

LIV. All Expenses incurred under the last Two preceding Sections or either of them, by or by the Authority of such Secretary of State, Governor, Consular Officer, as aforesaid, including the Cost of maintaining the Passengers until forwarded to their Destination, and of all necessary Bedding, Provisions, and Stores, shall become a Debt to Her Majesty and Her Successors from the Owner, Charterer, and Master of such Ship, and shall be recoverable from them, or from any One or more of them, at the Suit and for the Use of Her Majesty, in like Manner as in the Case of other Crown Debts; and a Certificate purporting to be under the Hand of any such Secretary of State, Governor, or Consular Officer, (as the Case may be,) stating the total Amount of such Expenses, shall in any Suit or other Proceeding for the Recovery of such Debt be received in Evidence without Proof of the Handwriting or of the official Character of such Secretary of State, Governor, or Consular Officer, and shall be deemed sufficient Evidence of the Amount of such Expenses, and that the same were duly incurred: Provided nevertheless, that in no Case shall any larger Sum be recovered on account of such Expenses than a Sum equal to twice the total Amount of Passage Money received by the Owner, Charterer, or Master of such Passenger Ship, or any of them, from or on Account of the whole Number of Passengers and Cabin Passengers, who may have embarked in such Ship; which total Amount of Passage Money shall be proved by the Defendant, if he will have the Advantage of this Limitation of the Debt; but if any such Passengers are forwarded or conveyed to their intended Destination under the Provisions of the last preceding Section, they shall not be entitled to the Return of their Passage Money, or to any Compensation for Loss of Passage under the Provisions of this Act.

Passengers forwardedby Governor or Consul not entitled to a Return of Passage Money.

LV. No

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Insurance of Passage Money not to be void on account of the Nature of the Risk.

LV. No Policy of Assurance effected in respect of any Passages, or of any Passage or Compensation Monies, by any Person by this Act made liable, in the Events aforesaid, to provide such Passages or to pay such Monies, or in respect of any other Risk under this Act, shall be deemed to be invalid by reason of the Nature of the Risk or Interest sought to be covered by such Policy of Assurance.

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Wrongfully landing Passengers.

Penalty.

LVI. If any Passenger in any Ship, whether a "Passenger Ship" or otherwise, shall be landed at any Port or Place other than the Port or Place at which he may have contracted to land, unless with his previous Consent, or unless such Landing shall be rendered necessary by Perils of the Sea, or other unavoidable Accident, the Master shall for each Offence be liable to a Penalty not exceeding Fifty Pounds nor less than Ten Pounds Sterling.

Passengers to be maintained for 48 Hours after Arrival.

Penalty.

LVII. Every Passenger in a "Passenger Ship" shall be entitled for at least Forty-eight Hours next after his Arrival at the End of his Voyage, to sleep in the Ship, and to be provided for and maintained on board thereof, in the same Manner as during the Voyage, unless within that Period the Ship shall quit such Port or Place in the further Prosecution of her Voyage. In case of Noncompliance with any of the Requirements of this Section, the Master shall for each Offence be liable to a Penalty not exceeding Five Pounds Sterling.

Passengers Right of Action preserved.

LVIII. Nothing herein contained shall take away or abridge any Right of Action which may accrue to any Passenger in any Ship, or to any other Person, in respect of the Breach or Nonperformance of any Contract made or entered into between or on behalf of any such Passenger or other Person, and the Master, Charterer, or Owner of any such Ship, or his or their Agent, or any Passage Broker.

Her Majesty may, by Orders in Council, prescribe Rules for preserving Order, Health, &c. in Vessels bound to the Colonies, and in Times of Epidemic prohibit or check Emigration.

LIX. It shall be lawful for Her Majesty, by any Order in Council, to prescribe such Rules and Regulations as to Her Majesty may seem fit, for the following Purposes; (that is to say,)

1st. For preserving Order, promoting Health, and securing Cleanliness and Ventilation on board of "Passenger Ships" proceeding from the United Kingdom to any Port or Place in Her Majesty's Possessions abroad.

2d. For permitting the Use on board of "Passenger Ships" of an Apparatus for distilling Water, and for defining in such Case the Quantity of fresh Water to be carried in Tanks or Casks for the Passengers.

3d. For prohibiting Emigration from any Port or Ports at any Time when Choleraic or any Epidemic Disease may be generally prevalent in the United Kingdom or any Part thereof,

Miscellaneous.

or for reducing the Number of Passengers allowed to be carried in "Passenger Ships" generally, or from any particular Ports under the Provisions of this Act.

4th. For requiring duly qualified Medical Practitioners to be carried in "Passenger Ships," in Cases where they would not be required to be carried under the Provisions of this Act.

Gazette and Copies printed by Queen's Printer to be Evidence of Orders, &c.

Any such Order in Council may from Time to Time in like Manner be altered, amended, and revoked, as Occasion may require. Any Copy of such Order in Council contained in the London Gazette, or purporting to be printed by the Queen's Printer, shall throughout Her Majesty's Dominions be received in all legal Proceedings as good and sufficient Evidence of the making and Contents of any such Order in Council.

Surgeon or Master to exact Obedience to Rules and Regulations.

Penalty.

LX. In every such "Passenger Ship" the Medical Practitioner on board, aided by the Master thereof, or, in the Absence of such Medical Practitioner, the Master of such Ship, is hereby empowered to exact Obedience to all Rules and Regulations which may be prescribed by any such Order in Council to be observed on board Passenger Ships as aforesaid; and any Person on board who shall neglect or refuse to obey any such Rule or Regulation, or who shall obstruct the Medical Practitioner or Master of such Ship in the Execution of any Duty imposed upon him by any such Rule or Regulation, or who shall be guilty of riotous or insubordinate Conduct, shall be liable for each Offence to a Penalty not exceeding Two Pounds Sterling, and, in addition thereto, to be confined in the Common Gaol for any Period not exceeding One Month, at the Discretion of the Justices who shall adjudicate on the Complaint.

Emigration Commissioners to prepare an Abstract of Act and Orders in Council.

LXI. The said Emigration Commissioners shall from Time to Time prepare such Abstracts as they may think proper of the whole or any Part of this Act, and of any such Order in Council as aforesaid; and Four Copies of such Abstracts, together with a Copy of this Act, shall, on Demand, be supplied by the Principal Officer of Customs at the Port of Clearance to the Master of every "Passenger Ship" proceeding from the United Kingdom to any Port or Place in Her Majesty's Possessions abroad; and such Master shall, on Request made to him, produce a Copy of this Act to any Passenger on board, for his Perusal, and, further, shall post, previous to the Embarkation of the Passengers, and shall keep posted so long as any Passenger shall be entitled to remain in the Ship, in at least Two conspicuous Places between the Decks on which Passengers may be carried, Copies of such Abstracts; and such Master shall be liable to a Penalty not exceeding Forty Shillings Sterling for every Day during any Part of which by his Act or Default such Abstracts shall fail to be

Such Abstract to be posted up in each Ship.

Penalty on Master for Neglect;

be so posted; and any Person displacing or defacing such Abstracts so posted shall be liable to a Penalty not exceeding Forty Shillings Sterling.

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and on Person defacing Abstract.

LXII. If in any "Passenger Ship" any Person shall during the Voyage, directly or indirectly, sell or cause to be sold any Spirits or Strong Waters to any Passenger, he shall be liable for every such Offence to a Penalty not exceeding Twenty Pounds nor less than Five Pounds Sterling.

Sale of Spirits prohibited on board Passenger Ships. Penalty.

LXIII. Before any "Passenger Ship" shall clear out or proceed to Sea, the Master, together with the Owner or Charterer of the Ship, or, in the event of the Absence of such Owner or Charterer, or if the Master be the Owner or Charterer, One other good and sufficient Person, to be approved by the Chief Officer of Customs at the Port of Clearance, shall enter into a joint and several Bond, in the Sum of Two thousand Pounds, to Her Majesty, Her Heirs and Successors, according to the Form contained in Schedule (C.) hereto annexed. Such Bond shall not be liable to Stamp Duty, and shall be executed in Duplicate.

Bond to be given by Masters of British and Foreign Passenger Ships.

LXIV. It shall be the Duty of the Chief Officer of Customs at the Port of Clearance of any "Passenger Ship" bound to any of Her Majesty's Possessions abroad, to certify on One Part of such Bond that it has been duly executed by the said Master of such Ship and the other Obligor, and to forward the same by Post to the Colonial Secretary of the Colony to which such "Passenger Ship" may be bound; and such Certificate shall, in any Colonial Court of Judicature in which the Bond may be put in suit, be deemed conclusive Evidence of the due Execution of the Bond by the said Master and the other Obligor, and it shall not be necessary to prove the Handwriting of the Officer of Customs who may have signed such Certificate, nor that he was at the Time of signing it Chief Officer of Customs at the Port of Clearance; provided that no such Bond shall be put in suit in any of Her Majesty's Possessions abroad after the Expiration of Three Calendar Months next after the Arrival therein of the said Ship, nor in the United Kingdom after the Expiration of Twelve Calendar Months next after the Return of the said Ship or of the said Master to the United Kingdom.

Counterpart of Bond to be certified, and sent to the Colony to which Ship bound, and to be received in Evidence without further Proof of Execution.

LXV. No Person whatever, except the said Emigration Commissioners, or Persons contracting with them or acting under their Authority, shall directly or indirectly act as a Passage Broker in respect of Passages from the United Kingdom to any Place out of Europe, and not being within the Mediterranean Sea, or shall sell or let, or agree to sell or let, or be in anywise concerned in the Sale or Letting of Passages in any Ship, whether a "Passenger Ship"

Passage Brokers.

No Person to act as a Passage Broker without a Licence.

Passage Brokers.

Ship" or otherwise, proceeding from the United Kingdom to any such Place as aforesaid, unless such Person, with Two good and sufficient Sureties to be approved by the Emigration Officer at the Port nearest to the Place of Business of such Person, shall have previously entered into a joint and several Bond, in the sum of Five hundred Pounds to Her Majesty, Her Heirs and Successors, according to the Form contained in Schedule (D.) hereto annexed, which Bond shall be renewed on each Occasion of obtaining such Licence as herein-after mentioned, and shall be in Duplicate, without Stamps, and One Part thereof shall be deposited at the Office in London of the said Emigration Commissioners, and the other Part thereof with the Chief Officer of Customs at the Port nearest to the Place of Business of such Person; nor unless such Person shall have obtained a Licence, as herein-after mentioned, to let or sell Passages, nor unless such Licence shall then be in force; and if any Person shall offend in any Particular against this Enactment, every Person so offending shall for each Offence be liable to a Penalty not exceeding Fifty Pounds nor less than Twenty Pounds, to be sued for and recovered as herein-after mentioned: Provided always, that such Bond shall not be required of any Person who shall be One of the Sworn Brokers of the City of London.

How Passage Brokers Licences may be obtained.

LXVI. Any Person wishing to obtain a Licence to act as a Passage Broker in respect of Passages from the United Kingdom to any Place out of Europe, and not being in the Mediterranean Sea, shall make Application for the same to the Justices at the Petty Sessions held for the Dstrict or Place in which such Pers n shall have his Place of Business; and such Justices are hereby authorized (if they shall think fit) to grant a Licence for that Purpose, according to the Form in the Schedule (E.) hereunto annexed, which Licence shall continue in force until the Thirty-first Day of December in the Year in which such Licence shall be granted, and for Thirty-one Days afterwards, unless sooner forfeited, as herein mentioned; and upon granting such Licence the Justices shall cause a Notice thereof according to the Form in Schedule (F.) hereto annexed to be transmitted forthwith by the Post to the said Emigration Commissioners at their Office in London: Provided always, that no such Licence shall be granted unless the Party applying for the same shall show to the Satisfaction of the Justices that he has given such Bond to Her Majesty, Her Heirs and Successors, as herein-before required, and has deposited One Part thereof at the Office in London of the said Commissioners, or is a Sworn Broker of the City of London, and has in either Case given Notice to the said Commissioners Fourteen clear Days at least before such Application of his Intention to apply for the same, which Notice shall be transmitted by the Post to the Office in London of the said Commissioners, and shall be according to the Form

Justices to give Notice to Emigration Commissioners of Licence granted.

Notice to be given to Emigration Commissioners of intended Application for Licences.

Form contained in the Schedule (G.) hereto annexed: Provided also, that any Justices of the Peace who shall adjudicate on any Offence against this Act, or on any Breach or Nonperformance of any of the Requirements thereof, are hereby authorized, if they shall think fit, and the Offender is a Passage Broker, to order his Licence to be forfeited, and the same shall thereupon be forfeited accordingly; and the said Justices making such Order shall forthwith cause Notice of such Forfeiture, in the Form contained in the Schedule (H.) hereunto annexed, to be transmitted by the Post to the said Commissioners at their Office in London: In Scotland, where any Person wishing to obtain such Licence shall make Application for the same to the Sheriff or Steward or Sheriff Substitute or Steward Substitute, in place of to such Justices of the Peace as aforesaid, the Forms given in the said Schedule shall still be adhered to, with such Alterations as may be necessary.

Passage Brokers.

Power to Justices to order Licences to be forfeited, who shall give Notice of the same to Emigration Commissioners.

As to Application for Licences in Scotland.

LXVII. Every Passenger Broker's Licence in force at the Commencement of this Act shall, unless adjudged to be forfeited, continue in force until the First Day of February One thousand eight hundred and fifty-six, but no longer; and all Acts done under such Licence while in force shall be as valid as if done under any Licence granted under this Act.

Existing Licences to continue in force until 1st Feb. 1856.

LXVIII. No Person shall directly or indirectly be concerned in selling or letting Passages under this Act, as the Agent, or on behalf of a licensed Passage Broker, unless he is himself duly licensed, nor unless he holds a written Authority from his Principal, which Authority shall be produced to any Emigration Officer, on Demand; and no licensed Passage Broker shall act as the Agent of any unlicensed Person in the Sale or letting of Passages under this Act. In case of Noncompliance with the Requirements of this Section, the Person offending shall for each Offence be liable, summarily, to a Penalty not exceeding Twenty Pounds nor less than Five Pounds Sterling.

Unlicensed Persons not to act as Agents for Passage Brokers, nor Passage Brokers for unlicensed Persons.

LXIX. If any Person shall by false Representation as to the Size of a Ship, or otherwise, or by any false Pretence or Fraud whatsoever, induce any Person to engage a Passage in any Ship, the Person so offending shall for each Offence be liable to a Penalty not exceeding Twenty Pounds nor less than Five Pounds Sterling.

Penalty on Persons fraudulently inducing others to engage Passages.

LXX. Every Person whatever, except the said Emigration Commissioners and Persons acting for them and under their direct Authority, who shall receive Money from any Person for or in respect of a Passage in any Ship, or of a Cabin Passage in any "Passenger Ship" proceeding from the United Kingdom to any Place out of Europe, and not being within the Mediterranean Sea, shall give to

Contract Tickets for Cabin and other Passengers.

Passage Brokers.

the Person paying such Money a Contract Ticket, signed by the Owner, Charterer, or Master of the Ship or "Passenger Ship" (as the Case may be) in which the Passage is to be provided, or by some Person in their or his Name, and on their or his Behalf: Such Contract Ticket shall be made out in plain and legible Characters on a Printed Form, which in the Case of Cabin Passengers shall be according to the Form contained in Schedule (I.) hereto annexed, and in the Case of all other Passengers in the Form contained in Schedule (K.) hereto annexed, or according to such other Form as in either Case may from Time to Time be prescribed by the said Emigration Commissioners in any Notice issued under their Hands, or the Hands of any Two of them, and published in the London Gazette: And any Directions contained on the Face of such Form of Contract Ticket shall be obeyed in the same Manner as if herein set forth. In case of Noncompliance with any of the Requirements of this Section, or of any of the Directions on such Form of Contract Ticket not inconsistent with this Act, the Person so offending shall for each Offence be liable to a Penalty not exceeding Fifty Pounds, nor less than Five Pounds Sterling: Provided always, that such Contract Tickets shall not be liable to any Stamp Duty.

Penalty for inducing any one to part with Contract Ticket.

LXXI. Any Person who shall alter or cause to be altered, after it is once issued, or shall induce any Person to part with, render useless, or destroy any such Contract Ticket, during the Continuance of the Contract which it is intended to evidence (except in the Case of Cabin Passengers who may have consented thereto), shall be liable in each Case to a Penalty not exceeding Twenty Pounds Sterling.

Summary Remedy for Breach of Contract.

LXXII. Any Question which may arise respecting the Breach or Nonperformance of any of the Stipulations in any such Contract Ticket, may, at the Option of any Passenger or Cabin Passenger interested therein, be heard and determined in a summary Way by the Justices of the Peace, Magistrates, Sheriffs, or other Officers herein-after authorized to adjudicate on Offences and Complaints under the Act, who are hereby authorized to try such Questions, and if they shall find that a Breach of Contract has been committed, to award to the Complainant such Damages and Costs as they may think fit, not exceeding in any Case the Amount of the Passage Money specified in such Contract Ticket and Twenty Pounds; and if such Damages and Costs be not at once paid, Payment thereof shall thereupon be enforced, in the same Manner and by the same Processes as the Payment of Subsistence Money, or the Return of Passage Money, may be enforced under this Act; Provided that if any Passenger shall have obtained Compensation or Redress, under any of the other Provisions of this Act, he shall not be entitled to sue under this Section for Damages for the same Matter or Cause of Complaint.

LXXIII. If

Passage Brokers.

Penalty on Cabin Passengers and on Masters, &c. omitting to produce Contract Tickets.

LXXIII. If any Cabin or other Passenger shall, on Demand of any Emigration Officer, refuse or omit to produce his Contract Ticket, or if any Owner, Charterer, or Master of a Ship, shall on like Demand refuse or omit to produce to any Emigration Officer in the United Kingdom the Counterpart of any Contract Ticket issued by them, or on their Behalf, for the Inspection of such Emigration Officer, and for the Purposes of this Act, every Person so offending against the Requirements of this Section shall for each Offence be liable summarily to a Penalty not exceeding Ten Pounds.

Penalty on Persons acting as Runners without Licence and Badge, and on Passage Brokers employed unlicensed Runners.

LXXIV. Any Person who shall act as an "Emigrant Runner" without having previously been licensed and registered as herein-after mentioned, or who while so acting shall omit to wear conspicuously on his Breast such Badge as herein-after mentioned, or who shall employ as an "Emigrant Runner" any Person not duly licensed and Registered, shall for each Offence be liable to a Penalty not exceeding Five Pounds nor less than Twenty Shillings.

Mode of Licensing andRegistering Runners.

LXXV. The Justices of the Peace at any Petty Sessions held for the District or Place within which any Person wishing to act as an "Emigrant Runner" is to carry on his Business may upon the Recommendation in Writing of an Emigration Officer or of the Chief Constable or other Head Officer of Police of such District or Place (but not otherwise) grant, if they shall think fit, to such Person wishing to act as Runner a Licence for that Purpose according to the Form in Schedule (L.) hereto annexed, and such Runner shall within Forty-eight Hours thereafter (under a Penalty not exceeding Forty Shillings for any Default) lodge such Licence with the nearest Emigration Officer, who shall register the Name and Abode of such Runner in a Book to be kept for that Purpose, and shall number each Name registered in arithmetical Progression, and shall supply to such Runner, on his paying a Sum not exceeding Seven Shillings for the same, a Badge of such Form and Description as shall be approved by the said Emigration Commissioners.

Emigrant Runner's Licence to be renewed annually.

LXXVI. Every such "Emigrant Runner's" Licence shall continue in force until the Thirty-first Day of December in the Year in which it shall be granted, unless sooner revoked by any Justice of the Peace, for any Offence against this Act or for any other Misconduct committed by the Holder of such Licence. In case of any renewed Licence it shall be sufficient for the Emigration Officer to note the Fact, and the Date of the Renewal, in his Registry Book against the original Entry therein of the Name of the Runner holding such renewed Licence.

Passage Brokers.

Penalty on Runner for certain Acts of Misconduct.

LXXVII. If any "Emigrant Runner" shall refuse or fail to produce, on Demand, his Badge for Inspection, or to permit any Person to take the Number thereof, or if he shall fail within Forty-eight Hours to give to the Emigration Officer of the Port or Place within which he is licensed to act Notice in Writing of any Change in his Place of Abode, in order that his new Abode may be registered, or of the Loss of his Badge, or if he shall mutilate or deface his Badge or wear the same while unlicensed, or wear any other than the one delivered to him by such Emigration Officer as aforesaid, or permit any other Person to use his Badge, he shall for each such Offence be liable to a Penalty not exceeding Forty Shillings and to the Forfeiture of his Licence, if the convicting Justices or Magistrate shall so determine; and any Person retaining or using any "Emigrant Runner's" Badge not issued to him under the Provisions of this Act, or counterfeiting or forging any such Badge, shall for each such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on Persons using Badges not lawfully issued to them.

How fresh Badges may be obtained in case the old ones are lost or mutilated.

LXXVIII. Such Emigration Officer as last aforesaid may, if he thinks fit, on Payment to him of the Sum of Five Shillings, deliver a new Badge to any licensed "Emigrant Runner" who shall satisfy such Officer that he has lost his original Badge, or who shall deliver up the same in a mutilated or defaced State.

Runners not entitled to Commission from any Passage Broker unless acting with his Authority, nor from Emigrants for procuring their Passage.

LXXIX. No "Emigrant Runner" shall be entitled to recover from any Passage Broker any Fee, Commission, or Reward for or in consideration of any Service connected with Emigration, unless he shall be acting under the written Authority of such Passage Broker, nor from any Person about to emigrate any Fee or Reward for the procuring of his Passage, or in any way relating thereto.

List of Runners to be exhibited by Brokers and sent to Emigration Officers.

LXXX. Every licensed Passage Broker shall exhibit and keep constantly exhibited in some conspicuous Place in his Office or Place of Business a correct List, in plain and legible Characters, containing the Names and Addresses in full of every Person for the Time being holding such Authority to act as his Agent or as an Emigrant Runner for him as aforesaid, and shall on or before the Fifth Day, or if that Day be a Sunday, on or before the Fourth Day in every Month transmit a true Copy of such List, duly signed by him, to the Emigration Officer stationed nearest to the Place of Business of such licensed Passage Broker, and shall report to such Emigration Officer every Discharge or fresh Engagement of an Agent or of an "Emigrant Runner" within Twenty-four Hours of the same taking place. In case of Non-compliance with any of the Requirements of this Section, the Person so offending shall be liable for each Offence to Penalty not exceeding Five Pounds nor less than Two Pounds.

LXXXI. It

Passage Brokers.

Trustees of Docks may pass Byelaws for regulating the Landing and Embarkation of intending Emigrants, and for licensing Emigrant Porters.

LXXXI. It shall be lawful for the Trustees or other Persons charged with the Management of any Docks or Basins in any Port within the United Kingdom from which "Passenger Ships" are despatched to make, and from Time to Time to alter, amend, or repeal, such Rules and Byelaws as may be necessary for prescribing the Docks, Basins, or other Places at which Persons arriving by Sea at such Ports for the Purpose of emigrating, or actually emigrating therefrom, shall be landed and embarked, and the Mode of their Landing and Embarkation, and for licensing Porters to carry their Luggage and otherwise to attend upon them, and for the Storing and safe Custody of their Luggage, and for admitting Persons to and excluding Persons from Access to such Docks or Basins, and for attaching a Penalty not exceeding Five Pounds for the Breach of any of such Rules or Byelaws, such Penalty to be sued for and recovered as other Penalties are by this Act directed to be recovered: And it shall further be lawful for such Trustees, by their Officers or Servants, or by any Police Officer, to arrest and detain any Person charged with the Breach of any such Rule or Byelaw until brought before any Justice of the Peace, who is hereby authorized to adjudicate on the Offence in a summary Way: Provided that no such Rules or Byelaws shall take effect until they shall have been approved by One of Her Majesty's Principal Secretaries of State, and published by his Authority in the London Gazette, which Publication shall for all Purposes be deemed conclusive Evidence of such Rules and Byelaws, and of the Approval thereof by such Secretary of State.

Byelaws to be approved by Secretary of State, and published in the London Gazette.

Penalty for falsifying Documents to obtain Passages from Emigration Commissioners, and for Personation.

LXXXII. And whereas the said Emigration Commissioners and Persons acting under their Authority issue from Time to Time certain Forms of Application and other Papers for the Use of Persons desirous of emigrating by their Assistance: And whereas it is expedient to afford additional Security against the Falsification or Misuse of such Forms and Papers, and of any Certificate of Marriage or of Birth or Baptism, or other Document adduced in support of any Application to the said Commissioners for such Assistance: Be it therefore enacted, That if any Person shall wilfully make any false Representation in any such Form of Application, Paper, Certificate, or Document as aforesaid, or shall forge or fraudulently alter any Signature or Statement contained therein respectively, or shall personate any Person named therein respectively, or shall aid or in any way abet any Person in any such false Representation, Forgery, Alteration, or Personation, the Person so offending shall be liable for each such Offence to a Penalty not exceeding Fifty Pounds nor less than Two Pounds Sterling.

Procedure for Penalties, &c.

By whom Penalties are to be recovered.

LXXXIII. All Penalties and Forfeitures imposed by this Act shall be sued for in the United Kingdom by any Emigration Officer or his Assistant, or by any Collector or Comptroller of Her Majesty's Customs, or by any other Officer of Her Majesty's Customs authorized in Writing by the Commissioners of Her Majesty's Customs to sue for Penalties and Forfeitures under this Act, and in any of Her Majesty's Possessions abroad by any Government Emigration Agent, or by any such Collector or Comptroller of Customs, or other Officer of Customs so authorized as aforesaid, or by any Officer authorized to sue for Penalties and Forfeitures under this Act by Writing under the Hand and Seal of the Governor of any such Possession; and the Commissioners of Her Majesty's Customs and every such Governor are hereby respectively empowered to grant such Authority as aforesaid: And all Sums of Money made recoverable by this Act as Return of Passage Money, Subsistence Money, Damages, or Compensation may be sued for and recovered by and for the Use of any Passenger entitled thereto under this Act, or by any such Officer as aforesaid, for and on behalf and to the Use of any such Passenger or any Number of such Passengers respectively, and in any Case either by One or several Informations or Complaints.

By whom Passage, Subsistence, and Compensation Monies may be recovered.

Tribunal for adjudicating on Offences and Complaints under this Act.

LXXXIV. All Penalties imposed and all Sums of Money made recoverable under this Act, by way of Passage Money, Subsistence Money, Compensation, or Damages for the Breach of any Stipulation in any Contract Ticket, shall and may be sued for and recovered before any Two or more Justices of the Peace acting in any Part of Her Majesty's Dominions or Possessions in which the Offence shall have been committed or the Cause of Complaint shall have arisen, or in which the Offender or Party complained against shall happen to be, or acting in any County or Borough, or Place adjacent to any navigable River or Inlet of the Sea on which such Offence shall have been committed or Cause of Complaint have arisen; and upon Information or Complaint made before any One Justice of the Peace acting as aforesaid, he shall issue a Summons, according to the Form in the Schedule (M.) hereto annexed, requiring the Party offending or complained against to appear at a Time and Place to be named therein; and every such Summons shall be served on the Party offending or complained against, or shall be left at his last known Place of Abode or of Business, or on board any Ship to which he may belong; and if such Party shall not appear accordingly, then (upon Proof of the due Service of the Summons by delivering the Summons or a Copy thereof to the Party, or at his last known Place of Abode or of Business, or on board any Ship to which he may belong, to the Person in charge of any such Ship,) any Two of such Justices so acting as aforesaid may either hear and determine the Case in the Absence of the Party, or either of them may issue his

his Warrant for apprehending and bringing such Party before them or any Two Justices so acting as aforesaid; or the Justice before whom the Charge shall be made, if he shall have Reason to suspect, from Information upon Oath, that the Party is likely to abscond, may issue such Warrant in the first instance, without any previous Summons; and either upon the Appearance of the Party offending or complained against, or in his Absence as aforesaid, any Two of such Justices so acting as aforesaid may hear and determine the Case, either with or without any written Information or Complaint; and upon Proof of the Offence, or of the Complainant's Claim, (as the Case may be,) either by Confession of the Party offending or complained against, or upon the Oath of One or more credible Witness or Witnesses (and the Justices are hereby authorized to summon and swear any Witnesses who may be deemed necessary), it shall be lawful for such Justices so acting as aforesaid to convict the Offender, or to adjudicate upon the Complaint, (such Conviction or Adjudication to be drawn up according to One of the Forms of Conviction or Adjudication contained in Schedule (N.) hereto annexed, or as near thereto as the Circumstances of the Case will admit,) and upon every such Conviction to order the Offender to pay such Penalty as they may think proper, not exceeding the Penalties herein-before imposed, and upon every such Adjudication to order the Party complained against to pay to the Party suing for the same the Sum of Money or Damages sued for, or so much thereof as such Justices shall think the Complainant justly entitled to, together with, in every Case, the Costs of the Proceedings; and if the Monies and Costs mentioned in such Conviction or Adjudication be not paid immediately or within the Time limited in the Order it shall be lawful for any Two of such Justices so acting as aforesaid, by Warrant, (and although the written Order of Conviction or Adjudication, or any Minute thereof, may not have been served,) to cause the Party offending to be committed to Gaol, there to be imprisoned, with or without Hard Labour, according to the Discretion of such Justices, for any Term not exceeding Three Calendar Months, unless such Monies and Costs be sooner paid and satisfied: Provided always, that in all Proceedings taken under this Act for which no Form is herein expressly provided it shall be lawful to use Forms similar, as nearly as Circumstances will admit, to those contained in the Schedule to an Act passed in the Session of Parliament holden in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Forty-three.

Procedure for Penalties, &c.

LXXXV. Every Police or Stipendiary Magistrate, and in Scotland every Sheriff or Steward and Sheriff Substitute or Steward Substitute of a County or Stewartry within his own County or Stewartry, shall have such and the like Powers, Privileges, and Functions, and be entitled

Police and Stipendiary Magistrate and in Scotland Sheriff &c., to have the same

Powers as Justices of the Peace.

entitled to exercise such and the like Jurisdiction under this Act, as any Justice or Two Justices, or Justices at Petty Sessions, have or is or are entitled to exercise under the Provision of this Act; and all Acts, Matters, and Things competent to be done under the Provisions of this Act by or before any Justice or Two Justices of the Peace, or Justices at Petty Sessions, or otherwise, may be done by and before any Police or Stipendiary Magistrate, and in Scotland by and before any Sheriff or Steward or Sheriff Substitute or Steward Substitute within his own County or Stewartry.

No Objection to be allowed, nor Convictions to be quashed for Want of Form.

LXXXVI. No Objection shall be taken or allowed to any Complaint, Information, Summons, or Warrant under this Act, for any alleged Defect therein, either in Substance or in Form, or for any Variance between such Complaint or Information and the Evidence adduced on the Hearing thereof; but if any Variance shall appear to the Justice or Justices present and acting at such Hearing to be such that the Party so summoned and appearing has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such Terms as he or they shall think fit, to adjourn the Hearing of the Case to some future Day, and in the meantime to commit the Defendant to such safe Custody as the said Justice or Justices may think fit, or to discharge him upon his Recognizance, with or without Sureties, to appear at such Time and Place as may be appointed: No Conviction, Order, Adjudication, or other Proceeding under or in pursuance of this Act shall be quashed or vacated for Want of Form.

Application of Penalties.

LXXXVII. All Penalties imposed by this Act shall, when recovered, and notwithstanding any Local Act of Parliament to the contrary, be paid to the Emigration Officer or Officer of Customs at whose Suit the same shall have been recovered, for the Use of Her Majesty and Her Successors, and if recovered in the Colonies shall be paid over by the Party receiving the same into the Colonial Treasury, and shall form Part of the general Revenue of the Colony, and if recovered in the United Kingdom shall be paid over to the said Emigration Commissioners if the Party at whose Suit the same shall have been recovered be an Emigration Officer or his Assistant, and to Her Majesty's Commissioners of Customs if the Party at whose Suit the same shall have been recovered be an Officer of Customs, to be by such Emigration Commissioners and Commissioners of Customs respectively duly accounted for; and all such Penalties as may be recovered in the United Kingdom shall be appropriated to such Purposes and in such Manner as the Lord High Treasurer or the Commissioners of Her Majesty's Treasury may from Time to Time direct and appoint: Provided always, that it shall be lawful for the Justices of the Peace who shall impose any such Penalty at the same Time to direct, if they shall think

Justices may award Compensation out of Penalties to Party aggrieved.

think fit, that a Part, not exceeding One Moiety thereof, be applied to compensate any Passenger for any Wrong or Damage which he may have sustained by the Act or Default in respect of which such Penalty or Forfeiture shall have been imposed. *Procedure for Penalties, &c*

LXXXVIII. If in any Suit, Action, Prosecution, or other legal Proceeding under this Act any Question shall arise whether any Ship was or was not exempted from the Provisions of this Act or any of them, the Burden of proving that such Ship was so exempted shall lie on the Party claiming the Benefit of the Exemption, and failing such Proof it shall for any such Purpose as aforesaid be taken and adjudged that the Ship did come within the Provisions of this Act; and it shall not be necessary, in any Information, Complaint, or other Process or Proceeding, to negative any Exemption, Proviso, or Condition contained in any Section of this Act on which such Information, Complaint, or other Process or Proceeding shall be framed, neither shall it be necessary for the Complainant to prove the Negative, but the Defendant may prove the Affirmative thereof, if he will have Advantage of the same. Burden of Proof to be on Persons claiming Exemption from Act. Proof of Negatives.

LXXXIX. If in any Proceeding before any Justice or Justices of the Peace under this Act, or upon any Action, Suit, or other Proceeding whatsoever, against any Person, for anything done either contrary to or in pursuance of this Act, a Question should arise whether any Person is an Emigration Officer or Assistant Emigration Officer, or an Officer of Customs, vivâ voce Evidence may be given of such Fact by the Officer himself, and shall be deemed legal and sufficient Evidence. Proof of a Party being an Emigration Officer

XC. Any Passenger suing under this Act for any Sum of Money made recoverable by this Act as Passage Money, Subsistence Money, or Compensation, or Damages, shall not be deemed an incompetent Witness in any Proceeding for the Recovery thereof, notwithstanding the same, if recovered, shall be applicable to his own Use and Benefit. Passengers suing not incompetent Witnesses.

XCI. No Plaintiff shall recover in any Action against any Emigration Officer, his Assistant, Government Emigration Agent, or Officer of Customs, or other Person, for anything done in pursuance of this Act, if Tender of sufficient Amends shall have been made before such Action brought, or if, after Action brought, a sufficient Sum of Money shall have been paid into Court, by or on behalf of the Defendant. Tender of Amends.

XCII. No Action or Suit shall be commenced against any Emigration Officer, his Assistant, Government Emigration Agent, Officer of Customs, or other Person, for anything done in pursuance of or under the Authority of this Act, until Ten clear Days Notice in Writing, specifying Limitation of Actions against Officers executing the Act.

Procedure for Penalties, &c.

specifying distinctly the Cause of Action, has been given to the Officer, Agent, or Person as aforesaid against whom such Action or Suit is intended to be brought, nor after Three Calendar Months next after the Act committed and mentioned in such Notice for which such Action or Suit shall be so brought; and every such Action shall be brought, laid, and tried where the Cause of Action shall have arisen, and not in any other Place; and the Defendant in such Action or Suit may plead the General Issue, and give this Act and any special Matter in Evidence, at any Trial which shall be had thereupon; and if the Matter or Thing shall appear to have been done under or by virtue of this Act, or if it shall appear that such Action or Suit was brought before Ten clear Days Notice thereof given as aforesaid, or if any Action or Suit shall not be commenced within the Time herein-before limited, or shall be brought or laid in any other Place than as aforesaid, then the Jury shall find a Verdict for the Defendant therein; and if a Verdict shall be found for such Defendant, or if the Plaintiff in such Action or Suit shall become nonsuited, or suffer a Discontinuance of such Action, or if upon any Demurrer in such Action Judgment shall be given for the Defendant thereon, then and in any of the Cases aforesaid such Defendant shall recover full Costs of Suit as between Solicitor and Client, and shall have such Remedy for recovering the same as any Defendant may have for his Costs in any other Case by Law.

Defendant may plead the General Issue, &c.

Costs.

Limitation of legal Proceedings generally.

XCIII. Where no Time is expressly limited within which any Complaint or Information is to be made or laid for any Breach or Nonperformance of any of the Requirements of this Act, the Complaint shall be made or the Information laid within Twelve Calendar Months from the Time when the Matter of such Complaint or Information respectively arose, or in case the Master of any Ship is the Offender or Party complained against, within Twelve Calendar Months next after his Return to the Country in which the Matter of Complaint or Information arose.

Colonial Voyages.

Colonial Voyages defined.

XCIV. And whereas it is expedient to provide in certain Cases for the Carriage of Passengers by Sea from Her Majesty's Possessions abroad: Be it therefore enacted as follows: For the Purposes of this Act the Term "Colonial Voyage" shall signify any Voyage from any Port or Place within any of such Possessions (except the Territories under the Government of the East India Company) to any Port or Place whatever, of which the Duration, to be prescribed as herein-after mentioned, shall exceed Three Days.

This Act to apply to Colonial Voyages,

XCV. This Act shall apply, so far as the same is applicable to all Ships carrying Passengers on any such "Colonial Voyage," except as

as to such Parts of the Act as relate to the following Matters; (that is to say,)

Colonial Voyages.

except as relates to Matters herein named.

1. To Passage Brokers and their Licences:
2. To Passengers Contract Tickets:
3. To the giving Bond to Her Majesty.
4. To the keeping on board a Copy of this Act:
5. To Orders in Council regulating Emigration from the United Kingdom, or prescribing Rules for promoting Health, Cleanliness, Order, and Ventilation:

If any Colonial Voyage be less than Three Weeks, this Act not to apply to Subjects herein named.

Provided that if the prescribed Duration of any "Colonial Voyage" be less than Three Weeks, then, in addition to the Matters lastly hereinbefore excepted, the Provisions of this Act shall not extend or apply, so far as they relate to the following Subjects; (namely,)

The Construction or Thickness of the Decks:
The Berths and Berthing:
The Height between Decks:
Privies:
Hospitals:
Light and Ventilation:
Manning:
Passengers Stewards:
Passengers Cooks and Cooking Apparatus:
The Surgeon, and Medicine Chest:
The Maintenance of Passengers for Forty-eight Hours after Arrival:

Provided also, that in the Case of such "Colonial Voyages" whereof the prescribed Duration is less than Three Weeks, the Requirements of this Act respecting the Issue of Provisions shall not, except as to the Issue of Water, be applicable to any Passenger who may have contracted to furnish his own Provisions.

Governor of Colonies may, by Proclamation, declare Length of Voyage, and prescribe Scale of Diet, Medicines, and Medical Comforts.

XCVI. It shall be lawful for the Governor of each of Her Majesty's Possessions abroad, by any Proclamation to be by him from Time to Time issued for that Purpose (which shall take effect from the issuing thereof), to declare what shall be deemed for the Purposes of this Act to be the Length of the Voyage of any Ship carrying Passengers from such Possession to any other Place whatsoever, and to prescribe such Scale of Diet for the Use of the Passengers during the Voyage as he shall think proper, and also to declare what Medicines, Medical Comforts, Medical Instruments, and other Matters shall be deemed necessary for the Medical Treatment of the Passengers during such "Colonial Voyage:" Every such Proclamation shall be transmitted, by the Governor by whom the same may have been issued, to Her Majesty, through One of Her Majesty's Principal Secretaries of State, for Her Majesty's Confirmation or Disallowance;

Proclamations to be transmitted for Confirmation or Disallowance.

Colonial Voyages.

Copies to be received as Evidence in the Colony in which they may be produced.

and if allowed, the Provisions and Requirements therein shall be enforced in all Her Majesty's Possessions abroad as if they were incorporated in this Act, and in like Manner as the Provisions of this Act may be enforced; and a Copy of any such Proclamation, purporting to be under the Hand of the Governor of the Colony wherein the same may have been issued, and under the public Seal of such Colony, shall in any other Colony wherein the same shall be so produced be received as good and sufficient Evidence of the issuing and of the Contents of such Proclamation, unless it shall be proved that such Copy is not genuine.

Provision for Survey of Ships in the Colonies, and for appointing Surgeons thereto.

XCVII. It shall be lawful for the Governors of any such Possessions respectively to authorize such Person or Persons as they may think fit to make the like Survey and Examination of "Passenger Ships" sailing from such Possessions respectively as is herein-before required to be made by Two or more competent Surveyors in respect of "Passenger Ships" sailing from the United Kingdom, and also to authorize in such Cases, as to such Governors may seem proper, any competent Person to act as Medical Practitioner on board any "Passenger Ship" proceeding on a "Colonial Voyage."

Power to the Governor General of India in Council, by any Act to be passed for that Purpose, to adopt this Act for India, and to make Rules respecting Food, Passengers, Surgeons, &c.,

XCVIII. This Act shall not apply to any of the Territories or Places under the Government of the East India Company: It shall, however, be lawful for the Governor General of India in Council, from Time to Time, by any Act or Acts to be passed for that Purpose, to declare that this Act or any Part thereof shall apply to the Carriage of Passengers upon any Voyage from any Ports or Places within such Territories, to be specified in such Act or Acts, to any other Places whatsoever, to be also specified in such Act or Acts; and also in like Manner to authorize the Substitution, as respects such Voyages, of other Articles of Food and Provisions for those herein-before enumerated; and to declare the Rule of Computation by which the Length of any such Voyage shall be estimated; and to determine the Persons or Officers who in such Territories shall be entitled to exercise or perform the Powers, Functions, or Duties herein-before given to or imposed upon the Emigration Officers and Officers of Customs in the United Kingdom; and to authorize the Employment on board any Ship of a Medical Practitioner duly qualified by Law to practise as a Physician, Surgeon, or Apothecary within such Territories; and to declare for the Purposes of this Act the Space necessary for Passengers, and the Age at which Two Children shall be considered equal to One Statute Adult, in Ships that may clear out from any Port or Place within such Territories; and also to declare in what Manner and before what Authorities, and by what Form of Proceedings, the Penalties imposed and the Sums of Money made recover-

and to declare in what Manner

able

Colonial Voyages.

Penalties, &c. may be sued for and recovered.

Indian Act may be enforced in the Colonies in like Manner as this Act.

able by this Act shall be sued for and recovered within such Territories, and to what Uses such Penalties shall be applied: And on the passing of such Indian Act or Acts, and whilst the same shall remain in force, all such Parts of this Act as shall be adopted therein shall apply to and extend to the Carriage of Passengers upon such Voyages as in the said Indian Act or Acts shall be specified. The Provisions of such Indian Act shall be enforced in all Her Majesty's Possessions in like Manner as the Provisions of this Act may be enforced: Every such Indian Act shall be subject to Disallowance and Repeal, and shall in the same Manner be transmitted to England, to be laid before both Houses of Parliament, as in the Case of any other Law made by the Governor General in Council.

Voyages to the United Kingdom.

List of Passengers brought into the United Kingdom to be delivered by the Master of the Ship to the Emigration Officer.

Penalty for Neglect.

XCIX. The Master of every Ship bringing Passengers into the United Kingdom from any Place out of Europe, and not within the Mediterranean Sea, shall, within Twenty-four Hours after Arrival, deliver to the Emigration Officer or his Assistant, or in their Absence to the Chief Officer of Customs at the Port of Arrival, a correct List, signed by such Master, and specifying the Names, Ages, and Callings of all the Passengers embarked, and also the Port or Ports at which they respectively may have embarked, and showing which, if any of them, may have died with the supposed Cause of Death, or been born on the Voyage; and if any Master shall fail so to deliver such List, or if the same shall be wilfully false, he shall, on Conviction, as herein-before mentioned, be liable to a Penalty not exceeding Fifty Pounds. Such Emigration or Customs Officer shall, upon receipt of such List, transmit the Particulars respecting any Passenger named therein who may have died, with the supposed Cause of Death, or been born on the Voyage, to the Registrar General of Births, Deaths, and Marriages, who shall file the same, and enter a Copy thereof under his Hand in the "Marine Register Book," which Entry shall be dealt with and be of the same Value as Evidence as any other Entry made in such Book under the Provisions of an Act passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled "An Act for registering Births, Deaths, and Marriages in England."

Penalty on Masters for having on board a greater Number of Persons than prescribed by Section 13 of this Act.

C. If any Ship bringing Passengers into the United Kingdom from any Place out of Europe shall have on board a greater Number of Passengers or Persons than in the Proportions respectively prescribed in the Fourteenth Section of this Act for Ships carrying Passengers from the United Kingdom, the Master of such Ship shall be liable, on such Conviction as herein-before mentioned, to a Penalty not exceeding Ten Pounds nor less than Five Pounds for each such Person or Statute Adult constituting any such Excess.

Voyages to the United Kingdom.

Provisions and Water to be issued to Passengers brought into the United Kingdom the same as in Ships carrying Passengers from the United Kingdom.

CI. The Master of every Passenger Ship bringing Passengers into the United Kingdom from any Place out of Europe shall make to each Statute Adult during the Voyage, including the Time of Detention, if any, at any Port or Place before the Termination thereof, Issues of pure Water and of good and wholesome Provisions in a sweet Condition, in Quantities not less in Amount than is prescribed in the Thirty-fifth Section of this Act for Passengers proceeding from the United Kingdom; and in case of Noncompliance with any of the Requirements of this Section the Master of such Ship shall, on such Conviction as herein-before mentioned, be liable for each Offence to a Penalty not exceeding Fifty Pounds.

Penalty for Default.

Schedules to be Part of the Act.

CII. The Schedules to this Act shall be deemed to be Part of this Act, and all the marginal or other Directions therein shall be duly followed and enforced, under a Penalty not exceeding Ten Pounds on the Person failing to obey the same respectively.

SCHE-

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

FORM of CERTIFICATE exempting a MAIL STEAMER from the Provisions of the British Passengers Act, 1855.

N.B.—This Certificate must be produced, on Demand, to the Emigration Officer or his Assistant, or if there be no such Officer to the Chief Officer of Customs at the Port of Clearance or Port of Departure, by the Master of any Steam Vessel claiming Exemption from the Passengers Act, otherwise the Exemption will not be allowed.

This is to certify that the Steam Vessel of Tons, registered (a) Tonnage, belonging to the Port of , is duly authorized to carry Mails under a Contract with the Government of (b) between (b) and (b) , and is therefore exempt from the Operations of the "Passengers Act, 1855," from the Date hereof to the Day of 18 .

(a) Omit this Word if inapplicable in the Case of a Foreign Vessel.

(b) Insert here the Name of the State.

Given under my Hand at , this Day of 18 .

(Signature) _____ { Postmaster-General of the United Kingdom or his Deputy (or Governor or Post master-General, &c. of [name the Colony or Foreign State], as the Case may be).

BRITISH CONSUL'S CERTIFICATE in the Case of a Foreign Steam Vessel.

The above Signature is to the best of my Belief the Signature of the [here insert the Title of the Officer signing the preceding Certificate], the Officer duly authorized by the Government of to grant the same.

(Signature) _____ { Her Britannic Majesty's Consul-General, Consul, or Vice-Consul of (as the Case may be).

SCHEDULE (B.)

Form of Passengers List.

Ship's Name.	Master's Name.	Tons per Register.	Aggregate Number of Superficial Feet in the several Compartments set apart for Passengers other than Cabin Passengers.	Total Number of Statute Adults, exclusive of Master, Crew, and Cabin Passengers, which the Ship can legally carry.	Where bound.

I hereby certify, That the Provisions actually laden on board this Ship, according to the Requirements of the Passengers Act, are sufficient for Statute Adults.

(Signature) _____ Master.

Date _____ 185 .

Names and Descriptions of Passengers.

Ports of Embarkation.	Names of Passengers.	Age of each Adult of 12 Years and upwards.				Children between 1 and 12 Years.		Infants.		Profession, Occupation, or Calling of Passenger.	State whether English, Scotch, or Irish.	Port at which Passengers have contracted to land.
		Married.		Single.								
		Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.			

Summary.

	Number of Souls.				Equal to Statute Adults.
	English.	Scotch.	Irish.	Total.	
Adults - - - -					
Children between 1 and 12 -					
Cabin Passengers - -					
Infants - - - -					
Total - - -					

We hereby certify, That the above is a correct List of the Names and Descriptions of all the Passengers who embarked at the Port of _____

(Signed) _____ Master.

_____ Emigration Officer.

(Countersigned) _____ Officer of Customs at _____.

Date _____ 185 .

N.B.—Lines should be ruled in the same Form for any Additions to the List after the Ship first clears out; and similar Certificates be subjoined to such Additions, according to the Requirements of the Act.

SCHE-

SCHEDULE (C.)

FORM of BOND to be given by the MASTER and by the OWNER or CHARTERER of a "Passenger Ship."

KNOW all Men by these Presents, that we,* are held and firmly bound unto our Sovereign by the Grace of God of the United Kingdom of Great Britain and Ireland Defender of the Faith, in the Sum of Two thousand Pounds of good and lawful Money of Great Britain, to be paid to our said the Heirs and Successors; to which Payment well and truly to be made we bind ourselves and every of us, jointly and severally, for and in the whole, our Heirs, Executors, and Administrators, and every of them, firmly by these Presents. Sealed with our Seals. Dated this Day of One thousand eight hundred and fifty

* Insert here the Christian and Surnames in full, with Occupations and Addresses of each of the Two Obligors.

WHEREAS by the "Passengers Act, 1855," it is amongst other things enacted, that before any "Passenger Ship" shall clear out or proceed to Sea, the Master together with the Owner or Charterer of the Ship, or in the Absence of such Owner or Charterer, or if the Master be the Owner or Charterer, One other good and sufficient Person, to be approved by the Chief Officer of Customs at the Port of Clearance, shall enter into a Bond to Majesty, Heirs and Successors, in the Sum of Two thousand Pounds:

Now the Condition of this Obligation is such, that if the Ship whereof the above bounden is Master, bound to is in all respects seaworthy, *[and if the said Ship shall call at the Port of and there shall be shipped on board at such Port pure Water for the Use of the Passengers, sufficient in Quantity to afford an Allowance of Three Quarts daily to each Statute Adult for the Period of Days on the Voyage from such Port to the final Port or Place of Discharge of such Vessel,] and if (notwithstanding any Penalty by the said Act imposed, and whether the same may have been sued for and recovered or not,) all and every the Requirements of the said Passengers Act, 1855, (except such of them as relate exclusively to Passage Brokers and Runners) and of the Emigration Commissioners acting in the Manner prescribed by the said Act, and of any Order passed by Her Majesty in Council relating to "Passenger Ships" and now in force, shall in all respects be well and truly performed† [and if the Master for the Time being of the said Ship shall submit himself, in like Manner as a British Subject being the Master of a British Passenger Ship, to the Jurisdiction of the Tribunals in Majesty's Possessions abroad, empowered by the said Act to adjudicate on Offences committed against the said Act,] and if moreover all Penalties, Fines, and Forfeitures which the Master of such Ship may be adjudged to pay for or in respect of the Breach or Nonfulfilment of any of such Requirements as aforesaid shall be well and truly paid, and if all Expenses incurred by the Secretary of State or any Governor or British Consular Officer under the Provisions of this Act shall also be well and truly paid, then this Obligation to be void, otherwise to remain in full force and virtue.

* The Clause within Brackets is to be inserted only when the Ship is to call a an intermediate Port to take in Water as provided by s. 34. of the Act.

† This Clause to be inserted only in the Case of a Foreign Passenger Ship proceeding to any of the British Colonies.

Signed, sealed, and delivered by the above-bounden and in the Presence of ‡

‡ Insert Names and Addresses in full of the Witnesses.

§ [I hereby certify, that the above Bond was duly signed, sealed, and delivered according to the Law of Great Britain by the said Master of the said Ship and by the said (other Obligor)].

§ Certificate to be signed by the Chief Officer of Customs and forwarded with the Bond to the Colony, according to s. 64. of the Act.

(Signature) { Chief Officer of Customs for the Port of

(Date) 185 .

SCHEDULE (D.)

FORM of PASSAGE BROKER'S ANNUAL BOND, with Two Sureties, to be approved by the Emigration Officer at the nearest Port.

* Insert Christian and Surnames in full, with Occupations and Address of each of the Parties.

KNOW all Men by these Presents, That we, A. B.* of C. D. of, &c. and E. F. of, &c. are held and firmly bound unto our Sovereign by the Grace of God of the United Kingdom of Great Britain and Ireland Defender of the Faith, in the Sum of *Five hundred Pounds* of good and lawful Money of Great Britain, to be paid to our said the Heirs and Successors; to which Payment well and truly to be made we bind ourselves and every of us, jointly and severally, for and in the whole, our Heirs, Executors, and Administrators, and every of them, firmly by these Presents. Sealed with our Seals. Dated this Day of One thousand eight hundred and fifty .

WHEREAS by the "Passengers Act, 1855," it is amongst other things enacted, that no Person whatever, save as therein excepted, shall directly or indirectly act as a Passage Broker in respect of Passages from the United Kingdom to any Place out of Europe, and not being within the Mediterranean Sea, or shall sell or let, or agree to sell or let, or be in anywise concerned in the Sale or Letting of Passages in any Ship, whether a "Passenger Ship" or otherwise, proceeding from the United Kingdom to any such Place as aforesaid, unless such Person, with Two good and sufficient Sureties, to be approved by the Emigration Officer at the Port nearest the Place of Business of such Person, shall have previously entered into a joint and several Bond to Her Majesty, Her Heirs and Successors, in the Sum of Five hundred Pounds: And whereas the said C. D. and E. F. have been duly approved by the proper Emigration Officer as Sureties for the said A. B.:

Now the Condition of this Obligation is such, that if the above-bounden A. B. shall well and truly observe and comply with all the Requirements of the said recited Act, so far as the same relate to Passage Brokers, and further shall well and truly pay all Fines, Forfeitures, and Penalties, and also all Sums of Money, by way of Subsistence Money, or of Return of Passage Money and Compensation, to any Passenger, or on his Account, and also all Costs which the above-bounden A. B. may at any Time be adjudged to pay under or by virtue of any of the Provisions of the said recited Act, then and in such Case this Obligation to be void, otherwise to remain in full force.

Signed, sealed, and delivered by the above-bounden A. B., C. D., and E. F., in the Presence of*

* Insert the Names and Addresses in full of the Witnesses.

N.B.—This Bond is to be executed in Duplicate, in the Presence of and to be attested by an Emigration Officer or his Assistant, or an Officer of Customs, or a Magistrate, or a Notary Public. One Part is to be deposited with the Emigration Commissioners in London, and the other Part with the Chief Officer of Customs at the Port nearest to the Place of Business of the Broker. Each Member of a Firm or Partnership who acts as a Passage Broker must give a separate Bond with Two Sureties.

[The Bond is exempt from Stamp Duty, but must be renewed annually with the Licence.]

SCHE-

SCHEDULE (E.)

FORM of PASSAGE BROKER'S LICENCE.*

A. B.* of in the having shown to the Satisfaction of me (or, us) the undersigned, that he hath given Bond to Majesty, as by the "Passengers Act, 1855," required, and also given Fourteen Days previous Notice to the Emigration Commissioners of his Intention to make Application for a Licence to carry on the Business of a Passage Broker in respect of Passages from the United Kingdom to any Place out of Europe, and not being within the Mediterranean Sea, I (or, we), the undersigned, having had no sufficient Cause shown to me (or, us), and seeing no valid Reason why the said A. B. should not receive such Licence, do hereby license and authorize the said A. B. to carry on the Business of a Passage Broker as aforesaid until the End of the present Year, and Thirty-one Days afterwards, unless this Licence shall be sooner determined by Forfeiture for Misconduct on the Part of the said A. B. as in the "Passengers Act, 1855," is provided.

* The Christian and Surnames in full, with the Address and Trade or Occupation of the Party applying for the Licence, must be correctly inserted. If a Member of a Firm, the Christian and Surnames of all the Members must be given.

Given under my Hand and Seal (or, our respective Hands and Seals), this Day of 185 at

Signature _____ (L. S.) { Justices of the Peace, Police or Stipendiary Magistrate, or Sheriff, or Steward, or Sheriff or Steward Substitute, as the Case may be.

* N.B. Each Member of a Firm or Partnership who acts as a Passage Broker must have a separate Licence.

SCHEDULE (F.)

FORM of NOTICE to be given to the Emigration Commissioners by Justices granting a Licence.

Gentlemen,

THIS is to give you Notice, That we (or, I), the undersigned, did on the Day of 185 license A. B. of* to carry on the Business of a Passage Broker under the Provisions of the "Passengers Act, 1855."

* Insert the Christian and Surnames in full, with the Address and Occupation of the Party.

Signatures _____ { Justices of the Peace, or as the Case may be.
_____

Place _____

Date _____

To the Emigration Commissioners, London.

SCHEDULE (G.)

FORM of NOTICE to be given to the Emigration Commissioners, by any Applicant for a Passage Broker's Licence.

Gentlemen,

I, A. B.* of in do hereby give you Notice, That it is my Intention to apply, after the Expiration of Fourteen clear Days from the putting of this Notice into the Post, to the Justices to be assembled in Petty Sessions to be held † (or, to the Police or Stipendiary Magistrate for the City or Borough or District of or if in Scotland to the Sheriff or Steward of as the Case may be,) for a Licence to carry on the Business of a Passage Broker under the Provisions of "The Passengers Act, 1855."

Signature _____

Date _____

To the Emigration Commissioners, London.

* The Christsian Names and Surname in full, with the Address and Trade or Occupation of the Party applying for a Licence, must be here correctly inserted.

† The Place or District in which the Party giving the Notice has his Place of Business.

SCHEDULE (H.)

FORM of NOTICE to be given by the Justices to the Emigration Commissioners of Forfeiture of a Passage Broker's Licence.

Gentlemen,

THIS is to give you Notice, That the Licence granted on the Day of 185 to A. B.* of in to act as a Passage Broker, was on the Day of now last past duly declared by me (or, us) the undersigned Justices of the Peace in Petty Sessions assembled, to be forfeited.†

Signatures _____

_____

Place and Date _____ 185

To the Emigration Commissioners, London.

* The Christian and Surnames in full, with the Address and Trade or Occupation of the Party, to be here inserted.

† Here state generally the Reason of Forfeiture.

SCHE-

SCHEDULE (I.)

Counterpart of Cabin Passenger's Contract Ticket.

This Counterpart is to be produced by the Owner, Charterer, or Master of the Ship to the Emigration Officer at the Port of Embarkation (or, if no such Officer, to the Officer of Customs), or to any one appointed by him to receive it, under a Penalty for Default not exceeding £10.

These Directions form Part of, and must appear on, each Contract Ticket.

1. A Contract Ticket in this Form must be given to every Cabin Passenger engaging a Passage in a "Passenger Ship" from the United Kingdom to any Place out of Europe, and not being within the Mediterranean Sea, under a Penalty not exceeding £50.
2. Unless the Passengers are to have a free Table, the Victualling Scale for the Voyage must be appended to the Contract Ticket.
3. All the Blanks must be correctly and legibly filled in, and the Ticket must be legibly signed with the Christian Names and Surname and Address in full of the Party issuing the same.
4. The Day of the Month on which the Ship is to sail must be inserted in Words and not in Figures.
5. When once issued, this Ticket must not be withdrawn from the Passenger, nor any Alteration or Erasure made in it, unless with his Consent.

Ship _____ of _____ Tons Register, to sail from _____ for _____ on the _____ Day of _____ 185_.

Names.	No. of Persons. Adults above 12 Years.	Children 12 Years and under.
Total No. of Persons.	}	

In consideration of the Sum of £_____ I hereby agree with the Person named in the Margin hereof that such Person shall be provided with_____ Class Cabin Passage in the above-named Ship, to sail from the Port of_____ for the Port of_____ in_____ with not less than_____ Cubical Feet of Luggage for each Person, and that such Person shall be victualled as_____ Class Cabin Passenger during the Voyage, and the Time of Detention at any Place before its Termination; and I further engage to land the Person aforesaid, with_____ Luggage, at the last-mentioned Port, free of any Charge beyond the Passage Money aforesaid; and I hereby acknowledge to have received the Sum of £_____ in { full / part } Payment of such Passage Money.

Signature in full_____

Place and Date _____

[If signed by a Broker or Agent, state on whose Behalf.]

Deposit £_____

Balance £_____ to be paid at_____.

Total £_____

N.B.—This Contract Ticket is exempt from Stamp Duty.

Cabin Passenger's Contract Ticket.

These Directions, and the "Notices to Passengers" below, form Part of, and must appear on, each Contract Ticket.

1. A Contract Ticket in this Form must be given to every Cabin Passenger engaging a Passage in a "Passenger Ship" from the United Kingdom to any Place out of Europe, and not being within the Mediterranean Sea, under a Penalty not exceeding £50.
2. Unless the Passengers are to have a free Table, the Victualling Scale for the Voyage must be appended to the Contract Ticket.
3. All the Blanks must be correctly and legibly filled in, and the Ticket must be legibly signed with the Christian Names and Surname and Address in full of the Party issuing the same.
4. The Day of the Month on which the Ship is to sail must be inserted in Words and not in Figures.
5. When once issued, this Ticket must not be withdrawn from the Passenger, nor any Alteration or Erasure made in it, unless with his Consent.

Ship _____ of _____ Tons Register, to sail from _____ for _____ on the _____ Day of _____ 185_.

Names.	No. of Persons. Adults above 12 Years.	Children 12 Years and under.
Total No. of Persons.	}	

In consideration of the Sum of £_____ I hereby agree with the Person named in the Margin hereof that such Person shall be provided with_____ Class Cabin Passage in the above-named Ship, to sail from the Port of_____ for the Port of_____ in_____ with not less than_____ Cubical Feet of Luggage for each Person, and that such Person shall be victualled as _____ Class Cabin Passenger during the Voyage, and the Time of Detention at any Place before its Termination; and I further engage to land the Person aforesaid, with _____ Luggage, at the last-mentioned Port, free of any Charge beyond the Passage Money aforesaid; and I hereby acknowledge to have received the Sum of £_____ in { full / part } Payment of such Passage Money.

Signature in full_____

Place and Date _____

[If signed by a Broker or Agent, state on whose Behalf.]

Deposit £_____

Balance £_____ to be paid at_____

Total £_____

Notice to Cabin Passengers.

1. If Cabin Passengers, through no Default of their own, fail to obtain a Passage in the Ship, and on the Day named in this Contract Ticket, they may obtain Redress for Breach of Contract by summary Process under the 72d Section of the "Passengers Act, 1855."
2. Cabin Passengers must produce, on Demand, their Contract Tickets to the Government Emigration Officer under a Penalty not exceeding £10. This Ticket should therefore be preserved and kept in readiness to be produced on board the Ship.

N.B.—This Contract Ticket is exempt from Stamp Duty.

SCHEDULE (K.)

Passenger's Contract Ticket.

This Part of the Contract Ticket is to be separated from the other, and to be delivered by the Passenger to the Emigration Officer at the Port of Embarkation, (or, if no such Officer, to the Officer of Customs,) or to any one appointed by him to receive it, under a Penalty not exceeding £10.

Contract Ticket.

I engage that the Persons mentioned below shall be provided with a Steerage Passage to____ and be landed at the Port of_____ in_____ in the Ship_____ of____ Tons with not less than Ten Cubic Feet for Luggage for each Statute Adult, and shall be victualled during the whole Voyage according to the Dietary Scale prescribed by Law. The Ship to receive her Passengers at ____ on the_____ Day of_____ 185 . Passage Money, including Government Dues, if any, and all Charges of Landing, £ _____.

Names.	Ages.

_____ Souls, equal to *_____ Statute Adults.

To be signed in full by the Party issuing the Ticket. _____

* Insert Number of Souls and of Statute Adults respectively.

These Directions, and the "Notices to Passengers" below, form Part of, and must appear on, each Contract Ticket.

1. A Contract Ticket in this Form must be given to every Passenger engaging a Passage from the United Kingdom to any Place out of Europe, and not being within the Mediterranean Sea.
2. The Victualling Scale for the Voyage must be printed in the Body of the Ticket.
3. All the Blanks must be correctly filled in, and the Ticket must be legibly signed with the Christian Names and Surname and Address in full of the Party issuing the same.
4. The Day of the Month on which the Passengers are to embark must be inserted in Words and not in Figures.
5. When once issued, this Ticket must not be withdrawn from the Passenger, nor any Alteration, Addition, or Erasure made in it.

Ship_____ of_____ Tons Register, to take in Passengers at_____ for_____ on the_____ Day of 185__

Names.	Ages.	Equal to Statute Adults.

I engage that the Person named in the Margin hereof shall be provided with a Steerage Passage to, and shall be landed at, the Port of_____ in _____ in the Ship_____ with not less than Ten Cubic Feet for Luggage for each Statute Adult, and shall be victualled during the Voyage and the Time of Detention at any Place before its Termination, according to the subjoined Scale, for the Sum of £_____ including Government Dues before Embarkation, and Head Money, if any, at the Place of Landing, and every other Charge, except Freight for Excess of Luggage beyond the Quantity above specified, and I hereby acknowledge to have received the Sum of £_____ in { full / part } Payment.

The following Quantities, at least, of Water and Provisions, (to be issued daily,) will be supplied by the Master of the Ship, as required by Law; viz., to each Statute Adult 3 Quarts of Water daily, exclusive of what is necessary for cooking the Articles required by the Passengers Act to be issued in a cooked State; and a Weekly Allowance of Provisions according to the following Scale:

[Here insert the Victualling Scale intended to be used on the Voyage. This must be either the Scale prescribed in the d Section of the Passengers Act, 1855, or that Scale modified by the Introduction of Articles authorized by the Act, to be substituted for Oatmeal, Rice, and Potatoes.]

[N.B.—If Mess Utensils and Bedding are to be provided by the Ship, the Stipulation must be inserted here.]

Signature in full_____
Place and Date_____

[If signed by a Broker or Agent, state on whose Behalf.]

Deposit £_____
Balance £_____ to be paid at_____
Total £_____

Notices to Passengers.

1. If Passengers, through no Default of their own, are not received on board on the Day named in their Contract Tickets, or fail to obtain a Passage in the Ship, they should apply to the Government Emigration Officer at the Port, who will assist them in obtaining Redress under the Passengers Act.
2. Passengers should carefully keep this Part of their Contract Ticket till after the End of the Voyage.

N.B.—This Contract Ticket is exempt from Stamp Duty.

SCHE-

SCHEDULE (L.)

FORM of EMIGRANT RUNNER'S Annual Licence.

A.B. (a) of in the having made Application in Writing to us, the undersigned Justices of the Peace assembled in Petty Sessions, for the (b) of to grant to him a Licence to enable him to be registered as an Emigrant Runner in and for (b) , and the said [A.B.] having also been recommended as a proper Person to receive such Licence by the Chief Constable [or other Head Officer of Police, as the Case may be] of [the District, Town, or Place in which the said A.B. is to carry on his Business]: We, the under-mentioned Justices, having no sufficient Cause shown to us, and seeing of ourselves no valid Reason why the said A.B. should not receive such Licence, do hereby grant to him this Licence for the Purposes aforesaid, subject nevertheless to be revoked for Misconduct on the Part of the said A.B., as in the "Passengers Act, 1855," is provided.

(a) The Christian and Surnames in full, with the Address of the Party applying for the Licence must be here correctly inserted.

(b) City, Town, or District in which the Emigrant Runner is to carry on his Business.

SCHEDULE (M.)

FORM of SUMMONS for a DEFENDANT or a WITNESS.

A.B. Complainant.
C.D. Defendant.

County, or City, or Borough, or Police District of (as the Case may be).

THIS is to command you to appear without fail on the Day of instant (or, next) at o'Clock in the noon at before me, or other the Magistrate or Justices of the Peace then and there present (1) [to answer the Complaint of (an Emigration Officer, or Assistant Emigration Officer, or Officer of Customs, or (in the Colonies a Government Emigration or Immigration Agent, as the Case may be,) for a Breach of the Section (or Sections, as the Case may be,) of the Passengers Act, 1855,] (2) [or, to give Evidence in the Complaint of A.B. against C.D. for Breach of the Passengers Act, 1855].

(1) Insert this when the Defendant is summoned.

(2) Insert this in case a Witness is summoned.

Signed _____ { Justice of the Peace, or Police or Stipendiary Magistrate, or Sheriff, or Steward, or Sheriff Substitute, or Steward Substitute, as the Case may be.

Dated this Day of One thousand eight hundred and .

To _____

SCHEDULE (N.)

FORM of CONVICTION and ORDER of ADJUDICATION under the Passengers Act, 1855, when the DEFENDANT appears.

A.B. Complainant.
C.D. Defendant.

County, or City, or Borough, or Police District, or Steward of (as the Case may be).

BE it remembered, That on the Day of instant, C.D. of personally came before me (or us, as the Case may be,) at to answer the Complaint of A.B. (1) for a Breach of the Section (or Sections, as the Case may be,) of the Passengers Act, 1855, in that (2) or (as the Case may be), for a Breach of the Contract contained in a certain Contract Ticket, dated , and issued by to for a Passage to in the Ship .

Whereupon I (or we) did proceed to examine into the Complaint so made against the said C.D., and the same having been (admitted to be true by the said C.D., or as the Case may be,) fully proved to my (or our) Satisfaction by the Testimony on Oath of E.F. (3) a credible Witness (or Witnesses), I (or we) (4) [do convict him the said C.D. of the Offence (or Offences) aforesaid; and I (or we)] do adjudge and order that he shall pay to the said A.B. as such (Emigration Officer, or Government Emigration Agent, or Officer of Customs, or Passenger of the Ship , as the Case may be,) the Sum of *l.* by way of Penalty (or by way of Subsistence Money, or of Return of Passage Money, or as Damages for Breach of such Contract as aforesaid, as the Case may be,) [(5) and shall also pay to the said A.B. the further Sum of *l.* as Compensation for the Loss and Inconvenience occasioned to (6) by the Loss of Passage in the Ship].

(7) [And I (or we) do also adjudge and order that the Licence granted to the said C.D. to act as a Passage Broker be forfeited.]

(8) [And I (or we) do hereby also adjudge and order that the Sum of *l.* being a Part not exceeding One Moiety of the said Penalty of *l.*, be applied to compensate (9) for the Wrong or Damage which he (she, or they) has (or have) sustained in this Matter.

And I (or we) do further adjudge and order, that the said C.D. shall forthwith pay to the said A.B. the further Sum of *l.* for the Costs and Charges by him the said A.B. incurred in the Prosecution of this Matter.

Given under my Hand and Seal (or our Hands and Seal), this Day of One thousand eight hundred and .

Signature _____ Justice of the Peace, Police or Stipendiary Magistrate, or Sheriff, or Steward, or Sheriff or Stewards Substitute, as the Case may be, for _____ (10

(1) State whether Emigration Officer, or Officer of Customs, or Government Emigration Agent, or Passenger of the Ship as the Case may be.

(2) Here describe briefly and in general Terms the Requirement (or Requirements) of the Act which has not been fulfilled.

(3) Name the Witness, or Witnesses if more than One.

(4) Omit these Words where there is no Conviction, but only an Order of Adjudication.

(5) Insert this in Cases where Compensation is awarded.

(6) Name the Passenger or Passengers by or on whose Behalf the Compensation is awarded.

(7) Insert this where the Offender is a Passage Broker, and his Licence is declared forfeited.

(8) Insert this where Compensation out of the Penalty is awarded to any aggrieved Passenger.

(9) Name the Passenger or Passengers.

(10) State County or District, &c. as the Case may be.

FORM of CONVICTION and ORDER of ADJUDICATION where the DEFENDANT does not appear.

A.B. Complainant.
C.D. Defendant.

County, or City, or Borough, or Police District, or Stewartry of , as the Case may be.

BE it remembered, That C.D. of being duly summoned to answer the Complaint of A.B. (1) for a Breach of the Section (or Sections) of the Passengers Act, 1855, in that, &c. (2) or (as the Case may be), for a Breach of the Contract contained in a certain Contract Ticket, dated and issued by to for a Passage to in the Ship , did not appear before me (or us), pursuant to the said Summons. Nevertheless, I (or we) did proceed to examine into the Complaint so preferred against the said C.D., and the same having been duly proved to my (or our) Satisfaction by the Testimony on Oath of E.F. (3) a credible Witness (or Witnesses), I (or we) do, &c. (proceed as in preceding Form of Conviction according to the Circumstances of the Case).

(1) State whether Emigration Officer, or Officer of Customs, or Government Emigration Agent, or Passenger of the Ship_____, as the Case may be.

(2) Describe briefly and in general Terms the Requirement (or Requirements) of the Act which has not been fulfilled.

(3) Name the Witness or Witnesses.

Passengers Act Amendme

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To amend the Law relating to the Carriag
Passengers by Sea.

(*Prepared and brought in by*
Mr. Peel and Viscount Palmerston.)

Ordered, by The House of Commons, *to be Printed*
16 *April* 1855.

[Bill 75.]

Under 8 *oz.*

Personal Estates of Intestates Bill.

ARRANGEMENT OF CLAUSES.

1. Administrator's Bond - - - - his Duties - - - -	22 & 23 Car. 2. c. 10. ss. 1, 2, and part of 3.
2. Ordinary's Power - - - - to take account of Administration - - to order just Distribution - - his Decree - - - - Appeal - - - -	*ib.* s. 3.
3. Intestate's Estate - - - - Distribution - - - - to Wife and Children - - - and Representatives of Children - Advancement of Children by Portions -	*ib.* s. 5.
4. If no Children - - - - to Wife and next of Kin - - - and Representatives of next of Kin -	*ib.* s. 6.
5. No representation of Collaterals - - beyond Brothers and Sisters Children - - - - -	*ib.* s. 7.
6. If no Wife - - - - or Husband - - - - to Children - - - - and their Representatives - -	*ib.* s. 7. as to Husband, 29 Car. 2. c. 3. s. 25.
7. Wife's Estate - - - - Husband to administer - -	29 Car. 2. c. 31. s. 25.
8. Mother to share equally with Brothers and Sisters - - - -	1 Jac. 1. c. 17. s. 7.
9. Creditors protected - - - - no Distribution for One Year - - Allottees of Distribution to give Bond to refund - - - - and to refund proportionally - -	22 & 23 Car. 2. c. 10. s. 8.
10. Act not to extend to Administration cum Testamento annexo - - -	*ib.* s. 9.
11. Repeals - - - -	22 & 23 Car. 2. c. 10., 29 Car. 2. c. 3. s. 25., 1 Jac. 2. c. 17. s. 5. (so far as it perpetuates the 22 & 23 Car. 2. c. 10., and the 29 Car. 2. c. 3. s. 25.), and ss. 6, 7, 8.
12. Act not to extend to Scotland.	

A

BILL

FOR

The better settling of Personal Estates of Intestates.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

BE it enacted by the Queen's most Excellent Majesty, with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. All Ordinaries, as well the Judges of the Prerogative Courts of Canterbury and York for the Time being as all other Ordinaries and Ecclesiastical Judges, and every of them, having Power to commit Administration of the Goods of Persons dying intestate, shall and may, upon their respective granting and committing of Administrations of the Goods of Persons dying intestate after the *passing of this Act*, of the respective Person or Persons to whom any Administration is to be committed take sufficient Bonds, with Two or more able Sureties, Respect being had to the Value of the Estate, in the Name of the Ordinary, with the Condition in Form and Manner following, mutatis mutandis; viz. All Ordinaries who have Power to grant Administrations have Power to take Bond.

'THE Condition of this Obligation is such, That if the within-bounden *A.B.*, Administrator of all and singular the Goods, Chattels, and Credits of *C.D.* deceased, do make or cause to be made a true and perfect Inventory of all and singular the Goods, Chattels, and Credits of the said Deceased which have or shall come The Condition of Bonds.

'to the Hands, Possession, or Knowledge of him the said *A.B.*, or 'into the Hands and Possession of any other Person or Persons for 'him, and the same so made do exhibit or cause to be exhibited into 'the Registry of Court at or before the Day 'of next ensuing, and the same Goods, Chattels, and 'Credits, and all other the Goods, Chattels, and Credits of the said 'Deceased at the Time of his Death which at any Time after shall 'come to the Hands or Possession of the said *A.B.*, or into the Hands 'and Possession of any other Person or Persons for him, do well and 'truly administer according to Law, and further do make or cause 'to be made a true and just Account of his said Administration at or 'before the Day of and all the Rest and Residue 'of the said Goods, Chattels, and Credits which shall be found 'remaining upon the said Administrator's Account, the same being 'first examined and allowed of by the Judge or Judges for the Time 'being of the said Court, shall deliver and pay unto such Person or 'Persons respectively as the said Judge or Judges by his or their 'Decree or Sentence, pursuant to the true Intent and Meaning of 'this Act, shall limit and appoint, and if it shall hereafter appear 'that any last Will and Testament was made by the said Deceased, 'and the Executor or Executors therein named do exhibit the same 'into the said Court, making Request to have it allowed and 'approved accordingly, if the said *A.B.* within bounden, being 'thereunto required, do render and deliver the said Letters of 'Administration (Approbation of such Testament being first had and 'made) in the said Court, then this Obligation to be void and of 'none Effect, or else to remain in full force and virtue:'

Which Bonds are hereby declared and enacted to be good to all Intents and Purposes, and pleadable in any Courts of Justice.

Ordinaries have Power to call Administrators to account, and to make Distribution, &c.

II. The said Ordinaries and Judges respectively shall and may and are enabled to proceed and call such Administrators to account for and touching the Goods of any Person dying intestate, and upon hearing and due Consideration thereof to order and make just and equal Distribution of what remaineth clear (after all Debts, Funerals, and just Expences of every Sort first allowed and deducted,) amongst the Wife and Children, or Children's Children, if any such be, or otherwise to the next of Kindred to the dead Person in equal Degree, or legally representing their Stocks pro suo cuique jure, according to the Laws in such Cases, and the Rules and Limitation hereafter set down, and the same Distributions to decree and settle, and to compel such Administrators to observe and pay the same by the due Course of Her Majesty's Ecclesiastical Laws; saving to every one supposing him or themselves aggrieved their Right of Appeal as was always in such Cases used.

III. All

How and to whom the Surplusage is to be distributed.

III. All Ordinaries, and every other Person who by this Act is enabled to make Distribution of the Surplusage of the Estate of any Person dying intestate, shall distribute the whole Surplusage of such Estate or Estates in Manner and Form following; that is to say, *One Third* Part of the said Surplusage to the Wife of the Intestate, and all the Residue by equal Portions to and amongst the Children of such Persons dying intestate, and such Persons as legally represent such Children, in case any of the said Children be then dead, other than such Child or Children who shall have any Estate by Descent from the Intestate Father or Mother or by the Settlement of such Intestate, or shall be advanced by such Intestate in his Lifetime by Portion or Portions equal to the Share which shall by such Distribution be allotted to the other Children to whom such Distribution is to be made; and in case any Child shall have any Estate by Descent or by Settlement from the said Intestate, or shall be advanced by the said Intestate in his Lifetime by Portion not equal to the Share which will be due to the other Children by such Distribution as aforesaid, then so much of the Surplusage of the Estate of such Intestate to be distributed to such Child or Children as shall have any Land by Descent or Settlement from the Intestate, or where advanced in the Lifetime of the Intestate, as shall make the Estate of all the said Children to be equal as near as can be estimated.

Advancement by Portion.

If no Children, Estate to be allotted to Wife and next of Kin.

IV. In case there be no Children, nor any legal Representatives of them, then *One Moiety* of the said Estate to be allotted to the Wife of the Intestate, the Residue of the said Estate to be distributed equally to every of the next of Kindred of the Intestate who are in equal Degree, and those who legally represent them.

No collateral Representation beyond Brothers and Sisters Children.

V. That there be no Representations admitted among Collaterals after Brothers and Sisters Children.

If no Wife, amongst the Children.

VI. In case there be no Wife, then all the said Estate to be distributed equally to and amongst the Children; and in case there be no Child, then to the next of Kindred in equal Degree of or unto the Intestate, and their legal Representatives as aforesaid, and in no other Manner whatsoever.

Husband to administer to his Wife's Personal Estate.

VII. In case any married Woman dies intestate, her Husband may demand and have Administration of his Rights, Credits, and other PersonalEstates, and recover and enjoy the same, as he might have done before the passing of this Act.

Mother to share equally with Bro-

VIII. After the Death of the Father, if any of his Children die intestate, without Wife or Children, in the Lifetime of the Mother,

thers and Sisters.

every Brother and Sister, and the Representatives of them, shall have an equal Share with him.

No Distribution till after One Year.

IX. To the end that a due Regard be had to Creditors, no such Distribution of the Goods of any Person dying intestate shall be made till after *One Year* be fully expired after the Intestate's Death; and such, and every one to whom any Distribution and Share shall be allotted, shall give Bond, with sufficient Sureties, in the said Courts, that if any Debt or Debts truly owing by the Intestate shall be afterwards sued for and recovered, or otherwise duly made to appear, that then and in every such Case he or she shall respectively refund and pay back to the Administrator his or her rateable Part of that Debt or Debts, and of the Costs of Suit, and Charges of the Administrator by reason of such Debt, out of the Part and Share so as aforesaid allotted to him or her, thereby to enable the said Administrator to pay and satisfy the said Debt or Debts so discovered after the Distribution made as aforesaid.

If Debts afterwards appear, then all to refund proportionably.

Act not to extend to Administration cum Testamento annexo.

X. Provided always, That in all Cases where the Ordinary hath used heretofore to grant Administration cum Testamento annexo he shall continue so to do, and the Will of the Deceased in such Testament expressed shall be performed and observed in such Manner as it should have been if this Act had never been made.

Repeal of 22 & 23 Car. 2. c. 10., 29 Car. 2. c. 3. s. 25., 1 Jac. 2. c. 17. ss. 6, 7, 8, and Part of s. 5.

XI. The following Acts and Parts of Acts are hereby repealed as to Estates to be administered and distributed under this Act; that is to say,

the 22d and 23d of Charles the Second, Chapter 10.;

the 25th Section of the 29th of Charles the Second, Chapter 3.;

the 5th Section of the 1st of James the Second, Chapter 17, so far as it makes the Provisions hereby repealed perpetual;

and the 6th, 7th, and 8th Sections of the said Act of the 1st of James the Second, Chapter 17.

Act not to extend to Scotland.

XII. This Act shall not extend to Scotland.

Intestates.

A

BILL

For the better settling of Personal Estates of Intestates.

(*Prepared and brought in by Mr. Locke King, Mr. Headlam, and Mr. Massey*).

Ordered, by The House of Commons, *to be Printed,* 26 *April* 1855.

[Bill 95.]

Under 1 *oz.*

Personal Estates of Intestates Bill.

[AS AMENDED IN COMMITTEE].

ARRANGEMENT OF CLAUSES.

1. Administrator's Bond - - - - his Duties - - - -	22 & 23 Car. 2. c. 10. ss. 1, 2, and part of 3.
2. Ordinary's Power - - - - to take account of Administration - to order just Distribution - - his Decree - - - - Appeal - - - -	*ib.* s. 3.
3. Intestate's Estate - - - - Distribution - - - - to Wife and Children - - - and Representatives of Children - Advancement of Children by Portions -	*ib.* s. 5.
4. If no Children - - - - to Wife and next of Kin - - and Representatives of next of Kin -	*ib.* s. 6.
5. No representation of Collaterals - - beyond Brothers and Sisters Children - - - -	*ib.* s. 7.
6. If no Wife - - - - or Husband - - - - to Children - - - - and their Representatives - -	*ib.* s. 7. as to Husband, 29 Car. 2. c. 3. s. 25.
7. Wife's Estate - - - - Husband to administer - -	29 Car. 2. c. 31. s. 25.
8. Mother to share equally with Brothers and Sisters - - - -	1 Jac. 1. c. 17. s. 7.
9. Creditors protected - - - no Distribution for One Year - - Allottees of Distribution to give Bond to refund - - - - and to refund proportionally - -	22 & 23 Car. 2. c. 10. s. 8.
10. Act not to extend to Administration cum Testamento annexo - - -	*ib.* s. 9.
11. Repeals - - - -	22 & 23 Car. 2. c. 10., 29 Car. 2. c. 3. s. 25., 1 Jac. 2. c. 17. s. 5. (so far as it perpetuates the 22 & 23 Car. 2. c. 10., and the 29 Car. 2. c. 3. s. 25.), and ss. 6, 7, 8.
12. Act not to extend to Scotland.	
13. Commencement of Act.	

A

B I L L

[AS AMENDED IN COMMITTEE]

FOR

The better settling of Personal Estates of Intestates.

Note.—*Clause* A. *was added in Committee.*

BE it enacted by the Queen's most Excellent Majesty, with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

All Ordinaries who have Power to grant Administrations have Power to take Bond.

I. All Ordinaries, as well the Judges of the Prerogative Courts of Canterbury and York for the Time being as all other Ordinaries and Ecclesiastical Judges, and every of them, having Power to commit Administration of the Goods of Persons dying intestate, shall and may, upon their respective granting and committing of Administrations of the Goods of Persons dying intestate after the passing of this Act, of the respective Person or Persons to whom any Administration is to be committed take sufficient Bonds, with Two or more able Sureties, Respect being had to the Value of the Estate, in the Name of the Ordinary, with the Condition in Form and Mannner following, mutatis mutandis; viz.

The Condition of Bonds.

'THE Condition of this Obligation is such, That if the within-'bounden *A.B.*, Administrator of all and singular the Goods, 'Chattels, and Credits of *C.D.* deceased, do make or cause to be 'made a true and perfect Inventory of all and singular the Goods, 'Chattels, and Credits of the said Deceased which have or shall come

'to the Hands, Possession, or Knowledge of him the said *A.B.*, or 'into the Hands and Possession of any other Person or Persons for 'him, and the same so made do exhibit or cause to be exhibited into 'the Registry of Court at or before the Day 'of next ensuing, and the same Goods, Chattels, and 'Credits, and all other the Goods, Chattels, and Credits of the said 'Deceased at the Time of his Death which at any Time after shall 'come to the Hands or Possession of the said *A.B.*, or into the Hands 'and Possession of any other Person or Persons for him, do well and 'truly administer according to Law, and further do make or cause 'to be made a true and just Account of his said Administration at or 'before the Day of and all the Rest and Residue 'of the said Goods, Chattels, and Credits which shall be found 'remaining upon the said Administrator's Account, the same being 'first examined and allowed of by the Judge or Judges for the Time 'being of the said Court, shall deliver and pay unto such Person or 'Persons respectively as the said Judge or Judges by his or their 'Decree or Sentence, pursuant to the true Intent and Meaning of 'this Act, shall limit and appoint, and if it shall hereafter appear 'that any last Will and Testament was made by the said Deceased, 'and the Executor or Executors therein named do exhibit the same 'into the said Court, making Request to have it allowed and 'approved accordingly, if the said *A.B.* within bounden, being 'thereunto required, do render and deliver the said Letters of 'Administration (Approbation of such Testament being first had and 'made) in the said Court, then this Obligation to be void and of 'none Effect, or else to remain in full force and virtue:'

Which Bonds are hereby declared and enacted to be good to all Intents and Purposes, and pleadable in any Courts of Justice.

Ordinaries have Power to call Administrators to account, and to make Distribution, &c.

II. The said Ordinaries and Judges respectively shall and may and are enabled to proceed and call such Administrators to account for and touching the Goods of any Person dying intestate, and upon hearing and due Consideration thereof to order and make just and equal Distribution of what remaineth clear (after all Debts, Funerals, and just Expences of every Sort first allowed and deducted,) amongst the Wife and Children, or Children's Children, if any such be, or otherwise to the next of Kindred to the dead Person in equal Degree, or legally representing their Stocks pro suo cuique jure, according to the Laws in such Cases, and the Rules and Limitation hereafter set down, and the same Distributions to decree and settle, and to compel such Administrators to observe and pay the same by the due Course of Her Majesty's Ecclesiastical Laws; saving to every one supposing him or themselves aggrieved their Right of Appeal as was always in such Cases used.

III. All

How and to whom the Surplusage is to be distributed.

III. All Ordinaries, and every other Person who by this Act is enabled to make Distribution of the Surplusage of the Estate of any Person dying intestate, shall distribute the whole Surplusage of such Estate or Estates in Manner and Form following; that is to say, One Third Part of the said Surplusage to the Wife of the Intestate, and all the Residue by equal Portions to and amongst the Children of such Persons dying intestate, and such Persons as legally represent such Children, in case any of the said Children be then dead, other than such Child or Children (not being Heir-at-Law), who shall have any Estate by the Settlement of such Intestate, or shall be advanced by such Intestate in his Lifetime by Portion or Portions equal to the Share which shall by such Distribution be allotted to the other Children to whom such Distribution is to be made; and in case any Child other than the Heir-at-Law shall have any Estate by Settlement from the said Intestate, or shall be advanced by the said Intestate in his Lifetime by Portion not equal to the Share which will be due to the other Children by such Distribution as aforesaid, then so much of the Surplusage of the Estate of such Intestate to be distributed to such Child or Children as shall have any Land by Settlement from the Intestate, or where advanced in the Lifetime of the Intestate, as shall make the Estate of all the said Children to be equal as near as can be estimated; but the Heir-at-Law, notwithstanding any Land that he shall have by Descent or otherwise from the Intestate, is to have an equal Part in the Distribution with the rest of the Children, without any Consideration of the Value of the Land which he hath by Descent or otherwise from the Intestate.

Advancement by Portion.

If no Children, Estate to be allotted to Wife and next of Kin.

IV. In case there be no Children, nor any legal Representatives of them, then One Moiety of the said Estate to be allotted to the Wife of the Intestate, the Residue of the said Estate to be distributed equally to every of the next of Kindred of the Intestate who are in equal Degree, and those who legally represent them.

No collateral Representation beyond Brothers and Sisters Children.

V. That there be no Representations admitted among Collaterals after Brothers and Sisters Children.

If no Wife, amongst the Children.

VI. In case there be no Wife, then all the said Estate to be distributed equally to and amongst the Children; and in case there be no Child, then to the next of Kindred in equal Degree of or unto the Intestate, and their legal Representatives as aforesaid, and in no other Manner whatsoever.

Husband to administer to his Wife's Personal Estate.

VII. In case any married Woman dies intestate, her Husband may demand and have Administration of his Rights, Credits, and other Personal

Personal Estates, and recover and enjoy the same, as he might have done before the passing of this Act.

Mother to share equally with Brothers and Sisters.

VIII. After the Death of the Father, if any of his Children die intestate, without Wife or Children, in the Lifetime of the Mother, every Brother and Sister, and the Representatives of them, shall have an equal Share with her.

No Distribution till after One Year.

IX. To the end that a due Regard be had to Creditors, no such Distribution of the Goods of any Person dying intestate shall be made till after One Year be fully expired after the Intestate's Death; and such, and every one to whom any Distribution and Share shall be allotted, shall give Bond, with sufficient Sureties, in the said Courts, that if any Debt or Debts truly owing by the Intestate shall be afterwards sued for and recovered, or otherwise duly made to appear, that then and in every such Case he or she shall respectively refund and pay back to the Administrator his or her rateable Part of that Debt or Debts, and of the Costs of Suit, and Charges of the Administrator by reason of such Debt, out of the Part and Share so as aforesaid allotted to him or her, thereby to enable the said Administrator to pay and satisfy the said Debt or Debts so discovered after the Distribution made as aforesaid.

If Debts afterwards appear, then all to refund proportionably.

Act not to extend to Administration cum Testamento annexo.

X. Provided always, That in all Cases where the Ordinary hath used heretofore to grant Administration cum Testamento annexo he shall continue so to do, and the Will of the Deceased in such Testament expressed shall be performed and observed in such Manner as it should have been if this Act had never been made.

Repeal of 22 & 23 Car. 2. c. 10., 29 Car. 2. c. 3. s. 25., 1 Jac. 2. c. 17. ss. 6, 7, 8, and Part of s. 5.

XI. The following Acts and Parts of Acts are hereby repealed as to Estates to be administered and distributed under this Act; that is to say,

the 22d and 23d of Charles the Second, Chapter 10.;

the 25th Section of the 29th of Charles the Second, Chapter 3.;

the 5th Section of the 1st of James the Second, Chapter 17, so far as it makes the Provisions hereby repealed perpetual;

and the 6th, 7th, and 8th Sections of the said Act of the 1st of James the Second, Chapter 17.

Act not to extend to Scotland.

XII. This Act shall not extend to Scotland.

Clause A. Commencement of Act.

XIII. This Act shall come into operation on the First Day of November One thousand eight hundred and fifty-five.

Personal Estates of Intestates.

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B I L L

[AS AMENDED IN COMMITTEE]

For the better settling of Personal Estates of Intestates.

(Prepared and brought in by Mr. Locke King, Mr. Headlam, and Mr. Massey.)

Ordered, by The House of Commons, *to be Printed,* 17 *May* 1855.

[Bill 132.]

Under 1 *oz.*

Personal Estates of Intestates Bill.

[AS AMENDED IN COMMITTEE, AND ON CONSIDERATION OF BILL AS AMENDED].

ARRANGEMENT OF CLAUSES.

1. Administrator's Bond - - - his Duties - - - -	22 & 23 Car. 2. c. 10. ss. 1, 2, and part of 3.
2. Ordinary's Power - - - to take account of Administration - to order just Distribution - - his Decree - - - - Appeal - - - -	*ib.* s. 3.
3. Intestate's Estate - - - - Distribution - - - - to Wife and Children - - - and Representatives of Children - Advancement of Children by Portions -	*ib.* s. 5.
4. If no Children - - - - to Wife and next of Kin - - - and Representatives of next of Kin -	*ib.* s. 6.
5. No representation of Collaterals - - beyond Brothers and Sisters Children - - - -	*ib.* s. 7.
6. If no Wife - - - - or Husband - - - - to Children - - - - and their Representatives - -	*ib.* s. 7. as to Husband, 29 Car. 2. c. 3. s. 25.
7. Wife's Estate - - - - Husband to administer - -	29 Car. 2. c. 31. s. 25.
8. Mother to share equally with Brothers and Sisters - - - -	1 Jac. 1. c. 17. s. 7.
9. Creditors protected - - - no Distribution for One Year - - Allottees of Distribution to give Bond to refund - - - - and to refund proportionally - -	22 & 23 Car. 2. c. 10. s. 8.
10. Act not to extend to Administration cum Testamento annexo - - -	*ib.* s. 9.
11. Repeals - - - -	22 & 23 Car. 2. c. 10., 29 Car. 2. c. 3. s. 25., 1 Jac. 2. c. 17. s. 5. (so far as it perpetuates the 22 & 23 Car. 2. c. 10., and the 29 Car. 2. c. 3. s. 25.), and ss. 6, 7, 8.
12. Act not to extend to Scotland.	
13. Commencement of Act.	

A

B I L L

[AS AMENDED IN COMMITTEE, AND ON CONSIDERATION OF BILL AS AMENDED]

FOR

The better settling of Personal Estates of Intestates.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

All Ordinaries who have Power to grant Administrations have Power to take Bond.

I. All Ordinaries, as well the Judges of the Prerogative Courts of Canterbury and York for the Time being as all other Ordinaries and Ecclesiastical Judges, and the Judge or Judges of the Prerogative Court of the Archbishop of Armagh, and every of them, having Power to commit Administration of the Goods, Chattels, and Credits of Persons dying intestate, shall and may, upon their respective granting and committing of Administrations of the Goods, Chattels, and Credits of Persons dying intestate after the First Day of November One thousand eight hundred and fifty-five, of the respective Person or Persons to whom any Administration is to be committed take sufficient Bonds, with Two or more able Sureties, respect being had to the Value of the Estate, in the Name of the Ordinary, with the Condition in Form and Mannner following, mutatis mutandis; viz.

The Condition of Bonds.

'THE Condition of this Obligation is such, That if the within-bounden *A.B.*, Administrator of all and singular the Goods, 'Chattels, and Credits of *C.D.* deceased, do make or cause to be 'made a true and perfect Inventory of all and singular the Goods, 'Chattels, and Credits of the said Deceased which have or shall come

'to the Hands, Possession, or Knowledge of him the said *A.B.*, or 'into the Hands and Possession of any other Person or Persons for 'him, and the same so made do exhibit or cause to be exhibited into 'the Registry of Court at or before the Day 'of next ensuing, and the same Goods, Chattels, and 'Credits, and all other the Goods, Chattels, and Credits of the said 'Deceased at the Time of his Death which at any Time after shall 'come to the Hands or Possession of the said *A.B.*, or into the Hands 'and Possession of any other Person or Persons for him, do well and 'truly administer according to Law, and further do make or cause 'to be made a true and just Account of his said Administration at or 'before the Day of and all the Rest and Residue 'of the said Goods, Chattels, and Credits which shall be found 'remaining upon the said Administrator's Account, the same being 'first examined and allowed of by the Judge or Judges for the Time 'being of the said Court, shall deliver and pay unto such Person or 'Persons respectively as the said Judge or Judges by his or their 'Decree or Sentence, pursuant to the true Intent and Meaning of 'this Act, shall limit and appoint, and if it shall hereafter appear 'that any last Will and Testament was made by the said Deceased, 'and the Executor or Executors therein named do exhibit the same 'into the said Court, making Request to have it allowed and 'approved accordingly, if the said *A.B.* within bounden, being 'thereunto required, do render and deliver the said Letters of 'Administration (Approbation of such Testament being first had and 'made) in the said Court, then this Obligation to be void and of 'none Effect, or else to remain in full force and virtue :'

Which Bonds are hereby declared and enacted to be good to all Intents and Purposes, and pleadable in any Courts of Justice.

Ordinaries have Power to call Administrators to account, and to make Distribution, &c.

II. The said Ordinaries and Judges respectively shall and may and are enabled to proceed and call such Administrators to account for and touching the Goods of any Person dying intestate, and upon hearing and due Consideration thereof to order and make just and equal Distribution of what remaineth clear (after all Debts, Funerals, and just Expences of every Sort first allowed and deducted,) amongst the Wife and Children, or Children's Children, if any such be, or otherwise to the next of Kindred to the dead Person in equal Degree, or legally representing their Stocks pro suo cuique jure, according to the Laws in such Cases, and the Rules and Limitation hereafter set down, and the same Distributions to decree and settle, and to compel such Administrators to observe and pay the same by the due Course of Her Majesty's Ecclesiastical Laws; saving to every one supposing him or themselves aggrieved their Right of Appeal as was always in such Cases used.

III. All

How and to whom the Surplusage is to be distributed.

III. All Ordinaries, and every other Person who by this Act is enabled to make Distribution of the Surplusage of the Estate of any Person dying intestate, shall distribute the whole Surplusage of such Estate or Estates in Manner and Form following; that is to say, One Third Part of the said Surplusage to the Wife of the Intestate, and all the Residue by equal Portions to and amongst the Children of such Persons dying intestate, and such Persons as legally represent such Children, in case any of the said Children be then dead, other than such Child or Children (not being Heir-at-Law), who shall have any Estate by Descent from the Intestate Father or Mother, or by the Settlement of such Intestate, whether Father or Mother, or shall be advanced by such Intestate in his Lifetime by Portion or Portions equal to the Share which shall by such Distribution be allotted to the other Children to whom such Distribution is to be made; and in case any Child other than the Heir-at-Law shall have any Estate by Descent or by Settlement from the said Intestate, or shall be advanced by the said Intestate in his Lifetime by Portion not equal to the Share which will be due to the other Children by such Distribution as aforesaid, then so much of the Surplusage of the Estate of such Intestate to be distributed to such Child or Children as shall have any Land by Descent or Settlement from the Intestate, or where advanced in the Lifetime of the Intestate, as shall make the Estate of all the said Children to be equal as near as can be estimated; but the Heir-at-Law, notwithstanding any Land that he shall have by Descent or otherwise from the Intestate, is to have an equal Part in the Distribution with the rest of the Children, without any Consideration of the Value of the Land which he hath by Descent or otherwise from the Intestate.

Advancement by Portion.

If no Children, Estate to be allotted to Wife and next of Kin.

IV. In case there be no Children, nor any legal Representatives of them, then One Moiety of the said Estate to be allotted to the Wife of the Intestate, the Residue of the said Estate to be distributed equally to every of the next of Kindred of the Intestate who are in equal Degree, and those who legally represent them.

No collateral Representation beyond Brothers and Sisters Children.

V. That there be no Representations admitted among Collaterals after Brothers and Sisters Children.

If no Wife, amongst the Children.

VI. In case there be no Wife, then all the said Estate to be distributed equally to and amongst the Children; and in case there be no Child, then to the next of Kindred in equal Degree of or unto the Intestate, and their legal Representatives as aforesaid, and in no other Manner whatsoever.

Husband to administer to his Wife's Personal Estate.

VII. In case any married Woman dies intestate, her Husband may demand and have Administration of his Rights, Credits, and other Personal

Personal Estates, and recover and enjoy the same, as he might have done before the passing of this Act.

Mother to share equally with Brothers and Sisters.

VIII. After the Death of the Father, if any of his Children die intestate, without Wife or Children, in the Lifetime of the Mother, every Brother and Sister, and the Representatives of them, shall have an equal Share with her.

No Distribution till after One Year.

IX. To the end that a due Regard be had to Creditors, no such Distribution of the Goods of any Person dying intestate shall be made till after One Year be fully expired after the Intestate's Death; and such, and every one to whom any Distribution and Share shall be allotted, shall give Bond, with sufficient Sureties, in the said Courts, that if any Debt or Debts truly owing by the Intestate shall be afterwards sued for and recovered, or otherwise duly made to appear, that then and in every such Case he or she shall respectively refund and pay back to the Administrator his or her rateable Part of that Debt or Debts, and of the Costs of Suit, and Charges of the Administrator by reason of such Debt, out of the Part and Share so as aforesaid allotted to him or her, thereby to enable the said Administrator to pay and satisfy the said Debt or Debts so discovered after the Distribution made as aforesaid.

If Debts afterwards appear, then all to refund proportionably.

Act not to extend to Administration cum Testamento annexo.

X. Provided always, That in all Cases where the Ordinary hath used heretofore to grant Administration cum Testamento annexo he shall continue so to do, and the Will of the Deceased in such Testament expressed shall be performed and observed in such Manner as it should have been if this Act had never been made.

Repeal of 22 & 23 Car. 2. c. 10., 29 Car. 2. c. 3. s. 25., 1 Jac. 2. c. 17. ss. 6, 7, 8, and Part of s. 5.

XI. The following Acts and Parts of Acts are hereby repealed as to Estates to be administered and distributed under this Act; that is to say,

the 22d and 23d of Charles the Second, Chapter 10.;

the 25th Section of the 29th of Charles the Second, Chapter 3.;

the 5th Section of the 1st of James the Second, Chapter 17, so far as it makes the Provisions hereby repealed perpetual;

and the 6th, 7th, and 8th Sections of the said Act of the 1st of James the Second, Chapter 17;

The 1st, 2d, 3d, 4th, 5th, and 6th Sections of the Act of the 7th of William the Third, Chapter 6, passed in the Parliament of Ireland.

Act not to extend to Scotland.

XII. This Act shall not extend to Scotland.

Personal Estates of Intestates.

A

B I L L

[AS AMENDED IN COMMITTEE, AND ON CONSIDERATION OF BILL AS AMENDED,]

For the better settling of Personal Estates of Intestates.

(*Prepared and brought in by Mr. Locke King, Mr. Headlam, and Mr. Massey.*)

Ordered, by The House of Commons, *to be Printed* 21 *May* 1855.

[Bill 143.]

Under 1 *oz.*

Piers and Harbours (Scotland) Bill.

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SCHEDULE.

A

BILL

TO

Encourage the Erection of Piers and Harbours in Scotland.

[Note.—The Words and Figures printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS it is expedient to encourage Proprietors of Lands lying adjacent to the Sea Coasts of Scotland to erect Piers or Harbours on the said Coast, or to enlarge and improve existing Piers or Harbours, and also to provide for the future Maintenance of existing Piers or Harbours not requiring Enlargement or Improvement: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. The following Words and Expressions in this Act shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say, Interpretation of Terms.

The Word "Proprietor" shall include Feuars, and also Lease-holders acting with the Consent of the Proprietor:

The Words "Sea Coast" shall include the Shores of any Tidal River as far as the Sea at ordinary Tide flows:

The Word "Sheriff" shall mean the Sheriff of any County within which any such Proprietor shall erect or seek to erect or improve or maintain a Pier or Harbour under this Act, and shall include the Sheriff Substitute; and the Words "Sheriff Clerk" shall mean

mean the Sheriff Clerk of any such County, and shall include Sheriff Clerk Depute:

The Word "Vessel" shall include Ship, Boat, Lighter, and Craft of every Kind or Description, and whether navigated by Steam or otherwise:

The Word "Rates" shall mean the Rates or Duties contained in the certified Schedule as leviable under this Act at any Pier or Harbour on the Tonnage of Vessels, or on Goods or Persons shipped in or landed from any Vessel, or for the Use of Sheds, Cranes, or Weighing Machines:

The Word "Owner," when used in relation to Goods, shall be understood to include any Consignor, Consignee, Shipper, or Agent for Sale or Custody of such Goods, as well as the Owner thereof:

The Word "Goods" shall include Wares and Merchandise of every Description, and all Articles in respect of which Rates are leviable under this Act:

The Expression "Board of Trade" shall mean the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations.

Short Title.

II. In citing this Act in other Acts of Parliament, and in legal Instruments, Deeds, and Proceedings, it shall be sufficient to use the Expression "The Piers and Harbours (Scotland) Act, 1855."

Plans and Working Drawings of the Works to be deposited at the Admiralty Office.

III. Any Proprietor desiring to erect, or to enlarge or improve, any Pier or Harbour, under the Provisions of this Act, and every Proprietor desiring to place any existing Pier or Harbour under the Provisions of this Act, and to maintain the same by Rates to be levied under this Act, shall deposit at the Admiralty Office Plans and Working Drawings of the Pier or Harbour, and showing the Limits of such Pier or Harbour and proposed Works, or Plans showing the Limits of any existing Pier or Harbour at which Rates are intended to be levied, (as the Case may be,) for the Approval of the Lords of the Admiralty, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty; and, notwithstanding anything in this Act contained, such Pier or Harbour or Works intended to be erected or enlarged or improved shall be erected or enlarged or improved only according to such Plan as shall be so previously approved of by the Lords of the Admiralty; and if any such Works shall be commenced or completed otherwise than in accordance with such Plan, it shall be lawful for the Lords of the Admiralty so far as such Erection, Enlargement, or Improvement shall interfere with or affect Navigation, to abate and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Proprietor; and the Amount thereof shall be a Debt due to the Crown, and be recoverable accordingly.

IV. No

No Works below High-water Mark to be executed without Consent of the Commissioners of Woods.

IV. No Proprietor desiring to erect or to enlarge or improve any Pier or Harbour under the Provisions of this Act shall commence the Execution of any Work whatsoever on the Shore of the Sea, or of any Creek, Bay, or Arm of the Sea or navigable River communicating therewith, where and so far as the Tide flows and reflows, without the previous Consent of Her Majesty, Her Heirs and Successors, to be signified in Writing under the Hands of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the Time being, having the Management of the Land Revenue of the Crown in Scotland, and then only according to such Plan and under such Restrictions and Regulations as the said Commissioners may approve of, such Approval being signified as last mentioned; and when any such Work shall have been executed it shall not be lawful for the Proprietor at any Time to alter or, extend the same without obtaining previously to making any such Alteration or Extension the like Consent and Approval; and if any such Work shall be commenced, executed, altered, or extended contrary to the Provisions of this Act, it shall be lawful for the said Commissioners to abate and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of such Proprietor, and the Amount thereof may be recovered in the same Manner as any Debt due to the Crown: Provided always, that nothing herein contained shall prejudice or affect the Remedies for abating or obtaining Possession of any Work to be commenced executed, altered, or extended, contrary to the Provisions of this Act, which might have been adopted by or on behalf of Her Majesty, Her Heirs and Successors, in case this Act had not been passed.

Plans to be deposited with Sheriff Clerk for Inspection.

V. The Proprietor shall, on or before the First Publication herein directed to be made of the Schedule of Rates proposed to be levied at any Pier or Harbour under the Authority of this Act, deposit with the Sheriff Clerk and the Justice of Peace Clerk of the County within which the Pier or Harbour is situated a Plan or Plans of the Works approved of by the Commissioners of the Admiralty and the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and shall in the said Publication give Notice that such Plans have been so deposited; and such Sheriff Clerk and Clerk of the Peace respectively shall permit all Persons interested to inspect the same, at all reasonable Times, and to make Copies of or Extracts from the same.

Rates to be levied.

VI. It shall be lawful for the Proprietor to demand and levy on his own Behalf upon all Vessels which shall use or enter the Pier or Harbour, or come within the Limits of the same, so as to receive Protection or Accommodation therefrom, and upon all Goods or Persons shipped in or landed from such Vessels, the Rates specified in the Schedule, to be approved of and certified by the Sheriff and the

Board of Trade, as herein required: Provided always, that such Rates shall not in any Case exceed the Rates specified in Schedule (A.) hereunto annexed.

Rates to be submitted (after Publication of Schedule) to Sheriff, who shall hear Parties, and adjust same.

VII. Every Proprietor intending to avail himself of this Act, and having obtained the Sanction of the Admiralty and the Consent of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, in manner herein provided, shall prepare a Schedule of the Rates proposed to be levied by him at the Pier or Harbour already erected or intended to be erected, enlarged, improved, or maintained under this Act, and in respect of any Cranes, Sheds, Weighing Machines, or other Works to be erected at such Pier or Harbour, but not in any Case or to any Amount exceeding the Rates specified in the Schedule (A.) hereunto annexed, and shall insert such first-mentioned Schedule, together with a Description of the Limits within with such Rates are intended to be levied, *once* in *Two* successive Weeks in each Newspaper published in the County, and if there be no Newspaper published therein shall insert such Schedule and Description *once* in each of *Two* successive Weeks in each Newspaper published in an adjoining County, and shall cause a printed Copy of such Schedule and Description to be transmitted to the Sheriff Clerk and to the Clerk of the Peace of the County within which such Pier or Harbour is situated; and it shall be competent to any registered Elector or Land Owner in such County, or Shipowner or Trader trading within such County, or to or from any Burgh within such County, who may be dissatisfied with such Schedule, to lodge Objections thereto in Writing with the Sheriff Clerk, within *Thirty* Days after the First Insertion of such Schedule in the Newspaper, or within *Thirty* Days after the Transmission of the printed Copy thereof to the Sheriff Clerk; and the Sheriff shall on such early Day as he shall think fit appoint the Parties to be heard before him on the Matter of such Objections, and shall dispose thereof, and adjust the Schedule by altering or disallowing such of the Rates therein contained as he shall deem just and expedient, and shall authenticate such adjusted Schedule by a Docquet signed by him thereon; and it shall be competent to the Sheriff, in any Case in which he may deem the Objections frivolous and vexatious, to find the Objector liable in the Costs of such Hearing.

Proprietors to transmit Schedule to the Board of Trade.

VIII. The Proprietor shall forthwith thereafter transmit the Schedule of Rates so adjusted by the Sheriff to the Board of Trade, together with Copies of any Objections which may have been lodged thereto, and of the Decision of the Sheriff thereon, together also with an Estimate of the Expense of erecting or enlarging or improving the Pier or Harbour to which such Schedule relates, or, as regards any Pier or Harbour already erected, and intended to be maintained by Rates

Rates to be levied under the Authority of this Act, an Account of the Expense, as far as can be ascertained, of the original Erection of such Pier or Harbour; and the Board of Trade shall, as soon as conveniently may be after the Receipt of such Schedule and Estimate or Account, either approve or disapprove of such Schedule, or modify the same in such Manner as they shall think fit, and shall finally adjust such Schedule, and certify the same, under the Hand of One of their Secretaries or Assistant Secretaries, as containing the maximum Rates to be levied at the Pier or Harbour to which the same relates; and the Rates specified in such adjusted Schedule shall be leviable for the Space of *Fifteen* Years from the Date of Completion of the Pier or Harbour, but no longer, except as herein-after provided.

List of Rates to be set up.

IX. The Proprietor shall from Time to Time cause to be painted on Boards, or to be printed, and attached to Boards, in legible Characters, a List of the several Rates so approved of, or as the same may thereafter be altered under the Provisions of this Act, and payable for the Time being, and shall cause such Boards containing such Lists to be affixed on some conspicuous Part of the Pier or Harbour; and no Rates shall be payable during such Time as such List is not so affixed, nor shall any Rates not specified in such List be payable: Provided that if any such List be destroyed, injured, or obliterated, the Rates shall continue payable during such Time as may be reasonably required for the Restoration or Reparation of such List, in the same Manner as if such List had continued affixed as and in the State required by this Act.

Piers and Harbours to be open to the Public upon Payment of Rates.

X. Upon Payment of the Rates hereby made payable, and subject to the Provisions of this Act, every Pier or Harbour erected, enlarged, improved, or maintained under the Authority of this Act shall be open to all Persons for the shipping and unshipping of Goods, and the embarking and landing of Passengers.

Rates not to be taken till Pier or Harbour is completed.

XI. The Proprietor shall not be authorized to take the Rates leviable under this Act until the Pier or Harbour for the Use of which such Rates are leviable shall be completed, and fit for the Reception of Vessels; and a Certificate under the Hand of the Sheriff shall be conclusive Evidence that the Pier or Harbour is so completed; and the Sheriff shall sign such Certificate, on Proof being adduced to him of such Completion and Fitness.

When and how Schedule of Rates may be altered:

XII. Before the Expiration of *Fifteen* Years from the Completion of any Pier or Harbour to which this Act shall have been applied, the Proprietor shall, if he think fit, in the same Manner, and after giving such and the like Notice as is herein-before directed with

regard to the First Schedule of Rates, prepare a Schedule of Rates, and a Description of the Limits within which such Rates are proposed to be levied, and shall cause a Copy thereof to be transmitted to the Sheriff Clerk and Clerk of the Peace, and Objections thereto may be lodged, and the Sheriff shall hear Parties, and shall deal with and adjust the Schedule, in such and the like Manner as is herein-before provided in respect of such First Schedule.

The like Procedure and Approbation necessary as in respect of the First Schedule.

XIII. Such and the like Procedure with regard to the Schedule of Rates so adjusted by the Sheriff shall be adopted in relation to the Approbation thereof to be obtained from the Board of Trade as is herein-before provided in respect of the First Schedule of Rates; and the Board of Trade shall in like Manner deal with and adjust the Schedule, and certify the same under the Hand of One of their Secretaries or Assistant Secretaries, as is herein-before directed; and the Rates specified in such adjusted Schedule shall be leviable for the Period of *Fifteen* Years from and after the Expiration of the First Period of *Fifteen* Years; and the like Procedure may be adopted at the Expiration of each such successive Period of *Fifteen* Years; and failing the Adoption thereof the Rates and Duties theretofore payable at such Pier or Harbour shall be no longer exigible.

For ascertaining Tonnage Duties.

XIV. For the Purpose of ascertaining Tonnage Duties payable on Vessels under this Act, the Tonnage of British Vessels duly registered according to Law shall be ascertained according to the certified Tonnage in the Register of such Vessels, and the Tonnage of all other Vessels shall be ascertained according to the Rules of Admeasurement for the Time being established by Law for the Admeasurement of the Tonnage and Burden of the Merchant Shipping of the United Kingdom.

Master of Vessel liable for Damage done by Vessel or Crew.

XV. The Master or Owner of every Vessel using or resorting to any Pier or Harbour shall be liable for any Damage done by them or either of them, or by such Vessel, or by the Mariners on board the same, to any of the Works, Machinery, or Tackle connected with the Pier or Harbour, or to any Vessel at or in the same, with full Costs of Suit; and it shall be lawful to detain the Vessel doing such Damage until the same be paid, or satisfactory Security granted for the Payment thereof.

Proprietors may appoint Harbour Masters, &c.

XVI. It shall be in the Power of the Proprietor or Lessee to appoint during Pleasure such Harbour Masters, Pilots, Meters, Collectors of Dues, or other Officers as may be requisite for carrying into effect the Purposes and Provisions of this Act.

XVII. The

Sheriff to appoint Special Constables named by the Proprietor.

XVII. The Sheriff may appoint such Persons as shall be nominated for that Purpose by the Proprietor to be Special Constables within the Limits of the Pier or Harbour and Premises of the Proprietors; and every Person so appointed shall be sworn in by the Sheriff duly to execute the Office of Constable within the Limits aforesaid, and when so sworn in shall have the same Powers, Protection, and Privileges, within such Limits, and shall be subject to the same Liabilities as Constables have or are subject to by the Laws of the Realm: Provided that any Expense attending such Appointment shall be paid by the Proprietor.

Custom House Officer not to discharge any Vessel before Duties paid.

XVIII. No Collector of Her Majesty's Customs or other Officer of Revenue at any Pier or Harbour shall permit any Vessel chargeable with Rates under this Act to be entered Inwards, Outwards, or Coastwise, or any Goods to be landed from or put on board of such Vessel, until he shall have received from the proper Officer a Certificate of all such Rates having been paid in full.

Penalty for Evasion of Rates.

XIX. If the Master of any Vessel or the Owner of any Goods evade the Payment of the Rates payable to the Proprietor in respect of such Vessels or Goods or any Part thereof, or shall claim Exemption from Rates not being entitled thereto, he shall forfeit and pay to the Proprietor *Three* Times the Amount of the Rates so evaded or from which he shall have improperly claimed Exemption, and such Penalty shall be recovered from such Master or Owner respectively in the same Manner as Penalties imposed by this Act are directed to be recovered, or by Action in any Court of competent Jurisdiction.

Power to lease Rates.

XX. It shall be lawful for the Proprietor to lease the Rates or any Part thereof to any Person and for any Term he shall think proper, and such Lease shall be valid and effectual; and the Lessee, and such Person as he shall appoint to collect and receive the Rates so let, shall during the Continuance of such Lease be deemed Collectors of the Rates, and shall have the same Power and Authority for collecting and recovering the same as if they had been appointed for that Purpose by the Proprietor: Provided that no such Lease shall affect the Power of the Board of Trade to alter the Rates in manner herein provided.

Byelaws may be made for all or any of the Purposes herein named.

XXI. The Proprietor may from Time to Time prepare, and submit to the Sheriff for his Approval, such Byelaws as he shall think fit, for all or any of the following Purposes: (that is to say,)

For regulating the Use of the Pier or Harbour:

For regulating the Exercise of the Powers and Duties of the Harbour Master and other Officers:

For regulating the Admission of Vessels at, into, or near the Pier or Harbour, and their Removal out of and from the same, and for the good Order and Government of such Vessels whilst within the Harbour or at or near the Pier:

For regulating the shipping and unshipping, landing, warehousing, storing, depositing, and removing of all Goods within the Limits of the Pier or Harbour and the Premises of the Proprietor:

For regulating (with the Consent of the Commissioners of Her Majesty's Customs) the Hours during which the Gates or Entrances or Outlets to the Pier or Harbour shall be open:

For regulating the Duties and Conduct of all Persons, as well the Servants of the Proprietor as others, not being Officers of Customs or Excise, who shall be employed in the Pier or Harbour and the Premises of the Proprietor:

For regulating the Use of Fires and Lights at and within the Pier or Harbour and the Premises belonging thereto, and within any Vessel being at or within the Pier or Harbour or within the prescribed Limits (if any):

For preventing Damage or Injury to any Vessel or Goods at or within the Pier or Harbour or on the Premises of the Proprietor:

For regulating the Use of the Cranes, Weighing Machines, Weights and Measures, belonging to the Proprietor, and the Duties and Conduct of all Weighers and Meters employed at the Pier or Harbour:

For regulating the Duties and Conduct of the Porters and Carriers employed on the Premises of the Proprietor, and fixing the Rates to be paid to them for carrying any Goods, Articles, or Things from or to the same:

And if the Sheriff shall approve of such Byelaws, and certify his Approval in Writing, then such Byelaws shall come into operation and shall be published as herein directed: Provided always, that they be not repugnant to the Law of Scotland or the Provisions of this Act.

Notice of Application for approval of Byelaws to be given in One or more Newspapers.

XXII. No such Byelaws shall be so approved of and certified unless Notice of the Intention to apply for such Approval and Certification have been given in One or more Newspapers of the County in which the Pier or Harbour is situated *One Month* at least before the hearing of such Application; and any Person desiring to object to any such Byelaw, on giving to the Proprietor Notice of the Nature of his Objection *Ten* Days before the hearing of the Application for the Allowance thereof, may, by himself, his Counsel or Agent, be heard thereon, but not so as to allow more than One objecting Party to be heard on the same Matter of Objection.

XXIII. For

A Copy of proposed Byelaws to be open to Inspection.

XXIII. For *One Month* at least before any such Application for Approval of any Byelaws, a Copy of the proposed Byelaws shall be kept at the Office of the Proprietor, and all Persons may at all reasonable Times inspect such Copy, without Fee or Reward, and the Proprietor shall furnish every Person who shall apply for the same with a Copy thereof or of any Part thereof, on Payment of *Sixpence* for every One hundred Words so to be copied.

Publication of Byelaws.

XXIV. All such Byelaws, when approved and certified, shall be printed, and placed on Boards in some conspicuous Part of the Office of the Proprietor, and also on some conspicuous Part of the Pier or Harbour; and such Boards, with the Byelaws thereon, shall be renewed from Time to Time as Occasion shall require, and shall be open to Inspection, without Fee or Reward; and in case the Officer shall not permit the same to be inspected at all reasonable Times, he shall for every such Offence be liable to a Penalty not exceeding *Five Pounds*.

Byelaws to be binding on all Parties.

XXV. All Byelaws made and approved of according to the Provisions of this Act, when so published and put up, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Persons acting under the same.

Proof of Publication of Byelaws.

XXVI. The Production of a written or printed Copy of the Byelaws, authenticated by the Sheriff who shall have approved of the same, shall be Evidence of the Existence and due making of such Byelaws, in all Cases of Prosecution under the same, without Proof of the Signature of the Sheriff; and with respect to the Proof of the Publication of any such Byelaws, it shall be sufficient to prove that a Board containing a Copy thereof was put up and continued in manner by this Act directed, and in case of its afterwards being displaced or damaged that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such painted Board did not contain a Copy of such Byelaws, or was not duly put up or continued as directed by this Act.

Tables of Penalties for Breach of Byelaws to be approved and certified.

XXVII. The Proprietor may in like Manner submit to the Sheriff a Table of Penalties to be imposed, not exceeding *Five Pounds* for each Breach of the Byelaws; and if such Penalties be approved and certified in the same Manner as herein provided with regard to Byelaws, they shall be recoverable before the Sheriff or Two Justices of the Peace, and when recovered shall be paid to the Proprietor.

How Alterations or Revisions of Byelaws may be obtained.

XXVIII. The Proprietor may obtain Alteration or Revisal of the Byelaws from Time to Time in the same Manner as such Byelaws are herein directed to be brought into operation.

The Sheriff to have summary Jurisdiction.

XXIX. All Causes or Matters which shall arise out of or be connected with the Provisions of this Act, or the Byelaws, Rules, or Regulations made in pursuance of the Powers hereby granted, shall be heard and determined by, and all Penalties by this Act imposed shall be recovered in a summary Way before the Sheriff, who shall give such Judgments and Decrees on the Causes and Matters so brought before him as shall be consistent with the true Intent and Meaning of this Act, and the Byelaws, Rules, and Regulations made in pursuance hereof; and it shall be lawful to commit any Person who shall fail to obey such Judgments and Decrees, or to pay the Penalties imposed under this Act, to the Common Prison, for such Time as the Sheriff shall direct, not exceeding *Three* Months; and the Decision of the Sheriff shall in all such Cases be final, and not subject to Review by Suspension, Reduction, or Advocation or otherwise.

Form of Proceedings against Offenders.

XXX. Any Complaint before the Sheriff for any Offence under the Provisions of this Act may be raised and prosecuted at the Instance of the Proprietor or of the Collector of the Rates, or of any other Officer or Person thereto authorized by the Proprietor, and recovered in the Small Debt Court of the Sheriff.

Transient Offenders may be apprehended and taken before the Sheriff or a Justice of the Peace.

XXXI. It shall be lawful for the Proprietor, or any other Person appointed by him and acting on his Behalf, under the Authority of this Act, to seize and detain any transient Persons unknown to him or them who shall commit any Offence against the Provisions of this Act, and to convey such Persons before the Sheriff or a Justice of the Peace, without any other Warrant than this Act for so doing; and such Sheriff and Justice respectively are hereby empowered to proceed with all convenient Despatch, and without the Necessity of serving a Copy of the Complaint, to the summary hearing and determining of the same.

Proprietors may acquire Piers or Harbours erected by Commissioners of Highland Roads and Bridges.

XXXII. And whereas the Parliamentary Commissioners for Highland Roads and Bridges have, under the Authority of the Acts of Parliament under which they act, from Time to Time erected or improved and maintained sundry Piers and Harbours upon the Seacoasts aforesaid: It shall be lawful for the Proprietors of the Lands whereon such Piers or Harbours are erected, with the Consent of the said Commissioners of Highland Roads and Bridges, to acquire such Piers or Harbours, under the Authority of this Act, and with and under all the Powers, Conditions, and Provisions thereof.

Provision for Application.

XXXIII. Where any Pier or Harbour shall have been erected or maintained under the Provisions of this Act, it shall be competent to the Lord High Admiral or to the Lords Commissioners of the Admiralty from Time to Time to require that any Part or Parts of "The Harbours,

Harbours, Docks, and Piers Clauses Act, 1847," shall be adopted in respect of such Pier or Harbour; and the Clauses of the said Act which shall be so required shall come into operation on *Six* Months Notice being given to that Effect. 10 & 11 Vict. c. 27. when required by Admiralty.

XXXIV. All Vessels belonging to or employed in the Service of Her Majesty, or Her Heirs and Successors, or the Service of the Customs or Excise, or Post Office, or the Parliamentary Commissioners of the Northern Lights, or of the Corporation of the Trinity House of Deptford Strond, or the Corporation for preserving and improving the Port of Dublin, or for the Service of Lighthouses, Buoys, and Beacons, using any Pier or Harbour, and all Naval and Ordnance Stores and other Matters imported into or exported therefrom for the Use of the Navy or Army, shall be exempted from Payment of all the Rates hereby granted. Exemption of Vessels in Her Majesty's Service.

XXXV. Nothing herein contained shall be held to alter, affect, or interfere with the Rights, Powers, or Privileges granted to any existing Harbours erected under the Authority of Royal Grants or Acts of Parliament, or to extend or be applicable to any Lands or Places included within the Precincts of such Harbour, or to abrogate or interfere with any Right of Ferry possessed by any Proprietor, or impair or affect any other Right which such Proprietor may possess or enjoy in virtue of the Investitures of his Lands and Heritages. Rights of Ferry, &c. reserved.

XXXVI. Nothing contained in this Act shall extend to prejudice, diminish, alter, or take away any of the Estates, Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors. Saving the Rights of the Crown.

XXXVII. Nothing in this Act contained shall exempt any Pier or Harbour erected, enlarged, improved, or maintained under the Authority thereof, or any Rates taken at any such Pier or Harbour, from the Provisions of any General Acts relating to Harbours, Piers, or the Dues on Shipping, or on Goods or Passengers carried in Ships, already passed or hereafter to be passed. Saving of General Acts.

SCHEDULE to which this Act refers.

SCHEDULE (A.)

TONNAGE RATES ON VESSELS ENTERING OR USING THE HARBOUR.

	Per Ton. s.	d.
For every decked or partly decked Vessel, under the Burden of Twenty Tons, and not registered	0	4
For every registered decked or partly decked Vessel, under the Burden of Twenty Tons	0	4
For every decked or partly decked Vessel of the Burden of Twenty Tons and under Fifty Tons	0	6
For every Vessel of the Burden of Fifty Tons and upwards	0	6
For Vessels Wind bound	0	2

HERRING BOATS.

For each Herring Boat, for the Period of each Herring Fishing Season, to be paid at the Commencement of the Season, and in lieu of all other Tonnage Duties payable for such Herring Boat	5	0
For each Herring Boat not having paid such Duty, and every undecked Boat coming into the Harbour, whether on account of Stress of Weather or from any other Cause whatever, the following Tonnage Duties; viz.—		
If under Twenty Tons, each	1	0
If above Twenty and under Thirty Tons, each	1	6
And all above Thirty Tons the same Tonnage Duties as other Vessels.		

RATES ON PASSENGERS.

For every Person landing from or embarking in any Vessel	0	3

RATES ON GOODS.

Ale, Beer, or Porter	per Hogshead	0	6
Bark in Bulk	per Ton	1	0
Beef, fresh or salted, or other Provisions	per Barrel	0	2
Bones	per Ton	0	8
Bone Dust	per Ton	0	6
Bricks	per 1,000	0	8
Calves	each	0	$0\frac{1}{2}$

Carriages,

		s.	*d.*
Carriages, Four-wheeled	each	*0*	*8*
Carriages, Two-wheeled	each	*0*	*6*
Cattle; viz. Bulls, Cows, and Oxen	each	*0*	*3*
Chalk	per Ton	*0*	*8*
Coach or Cart Wheels	per Pair	*0*	*6*
Coal	per Ton	*0*	*3*
Copper	per Ton	*1*	*4*
Cordage	per Ton	*5*	*0*
Dogs (Sporting only)	each	*0*	*2*
Empty Barrels	each	*0*	*0½*
Flax	per Ton	*1*	*4*
Grain, viz., Wheat	per Quarter	*0*	*3*
Barley, Bear, Peas, Beans, Oats, and all Descriptions of Grain	per Quarter	*0*	*2*
Guano and other Manure	per Ton	*0*	*8*
Hemp and Cotton, unwrought	per Ton	*1*	*4*
Herrings, fresh	per Cran	*0*	*1*
ditto cured	per Barrel	*0*	*3*
Horses of all Ages	each	*0*	*3*
Iron, Pig, or Old	per Ton	*0*	*8*
Bar, Bolt, or Rod	per Ton	*0*	*4*
Kelp	per Ton	*0*	*8*
Lambs	per Score	*0*	*3*
Lathwood	per Fathom	*2*	*6*
Lead of all Kinds	per Ton	*1*	*4*
Lime	per Chaldron	*1*	*4*
Malt	per Quarter	*0*	*3*
Meal and Flour	per Bag of 280 lbs.	*0*	*2*
Mill Stones	each	*0*	*8*
Oakum	per Ton	*2*	*6*
Oil Cake	per Ton	*1*	*0*
Paving Stones and dressed Freestone	per Ton	*0*	*6*
Other Stones	per Ton	*0*	*3*
Peats	per Ton	*0*	*3*
Pigs of all Ages	each	*0*	*0½*
Potatoes	per Ton	*0*	*6*
Poultry, including Pigeons, Game, and other Birds	per Doz.	*0*	*1*
Salt	per Ton	*0*	*10*
Sheep of all Ages	per Score	*0*	*6*
Slates, under Size	per 1,000	*0*	*6*
sizeable	per 1,000	*0*	*10*
over Size	per 1,000	*1*	*4*
Spirits	per Hogshead of 56 Gallons	*0*	*8*
Stucco	per Ton	*0*	*6*

		s.	d.
Tiles, roofing	per 1,000	0	9
„ or Pipes for draining	per 1,000	0	8
Timber unwrought of all Kinds:			
Hard Wood, per Load of 40 Cubic Feet		1	0
Soft Wood, per Load of 50 Cubic Feet		1	0
Wine, in Cask	per Hogshead	0	8
In Bottle	per Barrel Bulk	0	4
Wool	per Cwt.	0	2

All other unenumerated Articles to pay at landing or shipping:

If by Measurement	per Barrel Bulk	0	2
If by Weight	per 2½ Cwt.	0	1½

Articles which can be measured to pay by Barrel Bulk; all others by Weight.

In charging the Rates on Goods the gross Weight or Measurement of all Goods to be taken; and for any less Weights, Measures, and Quantities than those above specified a Proportion of the respective Rates shall be charged.

Five Cubic Feet, not exceeding Two and a Half Hundredweight, to be rated as a Barrel Bulk; but when the Weight of Five Cubic Feet is greater than Two and a Half Hundredweight, then Two and a Half Hundredweight to be rated as a Barrel Bulk.

Rates for the Use of Sheds, Cranes, and Weighing Machines.

Sheds.

For each Ton of Goods of Eight Barrels Bulk, or for each Ton of Goods of Twenty Cwt., which shall remain in any Shed or on the Pier or at the Harbour for a longer Time than Forty-eight Hours, the Sum of *Threepence*, and the Sum of *One Penny Halfpenny* per Ton for each Day during which such Goods shall remain after the first Forty-eight Hours.

Cranes.

All Articles or Packages not exceeding One Ton		0	3
„ exceeding One Ton and not exceeding Two Tons		0	4
„ „ Two Tons	„ Three „	0	6
„ „ Three „	„ Four „	0	8
„ „ Four „	„ Five „	0	10
„ „ Five „	„ Six „	1	0
„ „ Six „	„ Seven „	1	2
„ „ Seven „	„ Eight „	1	4
„ „ Eight „	„ Nine „	1	8
„ „ Nine „	„ Ten „	2	0
„ „ Ten „		3	0

Weighing Machines.

For weighing Goods, *One Penny* per Ton.

Piers and Harbours.

(Scotland.)

A

BILL

To encourage the Erection of Piers and Harbours in Scotland.

(*Prepared and brought in by Sir Archibald Campbell and Mr. Scott.*)

Ordered, by The House of Commons, *to be Printed,* 27 *April* 1855.

[Bill 99.]

Under 3 oz.

Piers and Harbours (Scotland) Bill.

[AS AMENDED IN COMMITTEE.]

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(Scotland.)

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Encourage the Erection of Piers and Harbours in Scotland.

[Note.—*The Clauses* A. *to* D. *were added in Committee.*]

Preamble.

WHEREAS it is expedient to encourage Proprietors of Lands lying adjacent to the Sea Coasts of Scotland to erect Piers or Harbours on the said Coast, or to enlarge and improve existing Piers or Harbours, and also to provide for the future Maintenance of existing Piers or Harbours not requiring Enlargement or Improvement: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation of Terms.

I. The following Words and Expressions in this Act shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say,

The Word "Proprietor" shall include Feuars, and also Leaseholders acting with the Consent of the Proprietor:

The Words "Sea Coast" shall include the Shores of any Tidal River as far as the Sea at ordinary Tide flows not already under the Authority of Parliamentary Trustees or Commissioners:

The Word "Sheriff" shall mean the Sheriff of any County within which any such Proprietor shall erect or seek to erect or improve

or maintain a Pier or Harbour under this Act; and the Words "Sheriff Clerk" shall mean the Sheriff Clerk of any such County, and shall include Sheriff Clerk Depute:

The Word "Vessel" shall include Ship, Boat, Lighter, and Craft of every Kind or Description, and whether navigated by Steam or otherwise:

The Word "Rates" shall mean the Rates or Duties contained in the certified Schedule as leviable under this Act at any Pier or Harbour on the Tonnage of Vessels, or on Goods or Persons shipped in or landed from any Vessel, or for the Use of Sheds, Cranes, or Weighing Machines:

The Word "Owner," when used in relation to Goods, shall be understood to include any Consignor, Consignee, Shipper, or Agent for Sale or Custody of such Goods, as well as the Owner thereof:

The Word "Goods" shall include Wares and Merchandise of every Description, and all Articles in respect of which Rates are leviable under this Act:

The Expression "Board of Trade" shall mean the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations.

Short Title.

II. In citing this Act in other Acts of Parliament, and in legal Instruments, Deeds, and Proceedings, it shall be sufficient to use the Expression "The Piers and Harbours (Scotland) Act, 1855."

Plans and Working Drawings of the Works to be deposited at the Admiralty Office.

III. Any Proprietor desiring to erect, or to enlarge or improve, any Pier or Harbour, under the Provisions of this Act, and every Proprietor desiring to place any existing Pier or Harbour under the Provisions of this Act, and to maintain the same by Rates to be levied under this Act, shall deposit at the Admiralty Office Plans and Working Drawings of the Pier or Harbour, and showing the Limits of such Pier or Harbour and proposed Works, or Plans showing the Limits of any existing Pier or Harbour at which Rates are intended to be levied, (as the Case may be,) for the Approval of the Lords of the Admiralty, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty; and, notwithstanding anything in this Act contained, such Pier or Harbour or Works intended to be erected or enlarged or improved shall be erected or enlarged or improved only according to such Plan as shall be so previously approved of by the Lords of the Admiralty; and if any such Works shall be commenced or completed otherwise than in accordance with such Plan, it shall be lawful for the Lords of the Admiralty so far as such Erection, Enlargement, or Improvement shall interfere with or affect Navigation, to abate and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Proprietor; and the Amount thereof, together with the Costs of any

local

local Survey or Examination which may have been made of such Works, shall be a Debt due to the Crown, and be recoverable accordingly.

Clause A. During Construction of Works Lights to be hung out at Night.

IV. During the Construction of any Work hereby authorized the Person constructing the same shall, if required by the Lords of the Admiralty, cause to be hung out or exhibited every Night, from Sunset to Sunrise, a Light, to be kept burning by and at the Expense of such Person, for the Navigation and safe Guidance of Vessels; and for ever after the Completion of such Work such Person, his Heirs, Executors, Administrators, and Assigns, shall, if so required by the Lords of the Admiralty, cause to be hung out or exhibited upon such Part or Parts of such Work as the Lords of the Admiralty shall at any Time or Times, by Writing under the Hand of the Secretary of the Admiralty, direct, every Night, from Sunset to Sunrise, a good and sufficient Light or good and sufficient Lights, to be kept burning by and at the Expense of the Person who constructed the Work, his Heirs, Executors, Administrators, or Assigns, for the Navigation and safe Guidance of Vessels, and which Light or Lights shall be from Time to Time altered by him and them in such Manner, and be of such Description, and be so used and placed, as the Lords of the Admiralty shall by Writing under the Hand of the Secretary of the Admiralty direct; and in case the said Person, his Heirs, Executors, Administrators, or Assigns, shall neglect to exhibit and keep such Light or Lights burning as aforesaid, he or they shall forfeit and pay for every such Neglect the Sum of Ten Pounds.

Clause B. Works abandoned may be removed and restored by Order of the Admiralty.

V. If any Work constructed, enlarged, or improved by or under the Authority of this Act, or made subject to any of the Provisions of this Act, or if any Portion of any such Work shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lords of the Admiralty to abate and remove the same, or such Part or Parts thereof as they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Person who may have constructed, enlarged, or improved the same, his Heirs, Executors, Administrators, or Assigns, and the Amount thereof shall be a Debt due from him and them to the Crown, and be recoverable accordingly, with Costs of Suit.

No Works below High-water Mark to be executed without Consent

VI. No Proprietor desiring to erect or to enlarge or improve any Pier or Harbour under the Provisions of this Act shall commence the Execution of any Work whatsoever on the Shore of the Sea, or of any Creek, Bay, or Arm of the Sea or navigable River communicating therewith,

of the Commissioners of Woods.

therewith, where and so far as the Tide flows and reflows, without the previous Consent of Her Majesty, Her Heirs and Successors, to be signified in Writing under the Hands of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the Time being, having the Management of the Land Revenue of the Crown in Scotland, and then only according to such Plan and under such Restrictions and Regulations as the said Commissioners may approve of, such Approval being signified as last mentioned; and when any such Work shall have been executed it shall not be lawful for the Proprietor at any Time to alter or, extend the same without obtaining previously to making any such Alteration or Extension the like Consent and Approval; and if any such Work shall be commenced, executed, altered, or extended contrary to the Provisions of this Act, it shall be lawful for the said Commissioners to abate and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of such Proprietor, and the Amount thereof may be recovered in the same Manner as any Debt due to the Crown: Provided always, that nothing herein contained shall prejudice or affect the Remedies for abating or obtaining Possession of any Work to be commenced executed, altered, or extended, contrary to the Provisions of this Act, which might have been adopted by or on behalf of Her Majesty, Her Heirs and Successors, in case this Act had not been passed.

Plans to be deposited with Sheriff Clerk for Inspection.

VII. The Proprietor shall, on or before the First Publication herein directed to be made of the Schedule of Rates proposed to be levied at any Pier or Harbour under the Authority of this Act, deposit with the Sheriff Clerk and the Justice of Peace Clerk of the County within which the Pier or Harbour is situated a Plan or Plans of the Works approved of by the Commissioners of the Admiralty and the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and shall in the said Publication give Notice that such Plans have been so deposited; and such Sheriff Clerk and Clerk of the Peace respectively shall permit all Persons interested to inspect the same, at all reasonable Times, and to make Copies of or Extracts from the same.

Rates to be levied.

VIII. It shall be lawful for the Proprietor to demand and levy on his own Behalf upon all Vessels which shall use or enter the Pier or Harbour, or come within the Limits of the same, so as to receive Protection or Accommodation therefrom, and upon all Goods or Persons shipped in or landed from such Vessels, the Rates specified in the Schedule, to be approved of and certified by the Sheriff and the Board of Trade, as herein required: Provided always, that such Rates shall not in any Case exceed the Rates specified in Schedule (A.) hereunto annexed.

IX. Every

Rates to be submitted (after Publication of Schedule) to Sheriff, who shall hear Parties, and adjust same.

IX. Every Proprietor intending to avail himself of this Act, and having obtained the Sanction of the Admiralty and the Consent of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, in manner herein provided, shall prepare a Schedule of the Rates proposed to be levied by him at the Pier or Harbour already erected or intended to be erected, enlarged, improved, or maintained under this Act, and in respect of any Cranes, Sheds, Weighing Machines, or other Works to be erected at such Pier or Harbour, but not in any Case or to any Amount exceeding the Rates specified in the Schedule (A.) hereunto annexed, and shall insert such first-mentioned Schedule, together with a Description of the Limits within which such Rates are intended to be levied, once in each of Two successive Weeks in each Newspaper published in the County, and if there be no Newspaper published therein shall insert such Schedule and Description once in each of Two successive Weeks in at the least One Newspaper published in an adjoining County, and shall cause a printed Copy of such Schedule and Description to be transmitted to the Sheriff Clerk and to the Clerk of the Peace of the County within which such Pier or Harbour is situated; and it shall be competent to any registered Elector or Land Owner in such County, or Shipowner or Trader trading within such County, or to or from any Burgh within such County, who may be dissatisfied with such Schedule, to lodge Objections thereto in Writing with the Sheriff Clerk, within Thirty Days after the First Insertion of such Schedule in the Newspaper, or within Thirty Days after the Transmission of the printed Copy thereof to the Sheriff Clerk; and the Sheriff shall on such early Day as he shall think fit appoint the Parties to be heard before him on the Matter of such Objections, and shall dispose thereof, and adjust the Schedule by altering or disallowing such of the Rates therein contained as he shall deem just and expedient, and shall authenticate such adjusted Schedule by a Docquet signed by him thereon; and it shall be competent to the Sheriff, in any Case in which he may deem the Objections frivolous and vexatious, to find the Objector liable in the Costs of such Hearing.

Proprietors to transmit Schedule to the Board of Trade.

X. The Proprietor shall forthwith thereafter transmit the Schedule of Rates so adjusted by the Sheriff to the Board of Trade, together with Copies of any Objections which may have been lodged thereto, and of the Decision of the Sheriff thereon, together also with an Estimate of the Expense of erecting or enlarging or improving the Pier or Harbour to which such Schedule relates, or, as regards any Pier or Harbour already erected, and intended to be maintained by Rates to be levied under the Authority of this Act, an Account of the Expense, as far as can be ascertained, of the original Erection of such Pier or Harbour; and the Board of Trade shall, if they consider that such Pier or Harbour will be for the Public Benefit, as soon as conveniently

veniently may be after the Receipt of such Schedule and Estimate or Account, either approve or disapprove of such Schedule, or modify the same in such Manner as they shall think fit, and shall finally adjust such Schedule, and certify the same, under the Hand of One of their Secretaries or Assistant Secretaries, as containing the maximum Rates to be levied at the Pier or Harbour to which the same relates; and the Proprietor shall be obliged to keep an Account of the Amount received from the Rates levied under the Authority of this Act, and of the Outlay and Expenses incurred in respect of said Pier or Harbour, and publish the same annually once in each of Two successive Weeks in One Newspaper published in the County in which the Pier or Harbour is situated, and if there be no Newspaper published in the County, then in a Newspaper published in any adjoining County.

List of Rates to be set up.

XI. The Proprietor shall from Time to Time cause to be painted on Boards, or to be printed, and attached to Boards, in legible Characters, a List of the several Rates so approved of, or as the same may thereafter be altered under the Provisions of this Act, and payable for the Time being, and shall cause such Boards containing such Lists to be affixed on some conspicuous Part of the Pier or Harbour; and no Rates shall be payable during such Time as such List is not so affixed, nor shall any Rates not specified in such List be payable: Provided that if any such List be destroyed, injured, or obliterated, the Rates shall continue payable during such Time as may be reasonably required for the Restoration or Reparation of such List, in the same Manner as if such List had continued affixed as and in the State required by this Act.

Piers and Harbours to be open to the Public upon Payment of Rates.

XII. Upon Payment of the Rates hereby made payable, and subject to the Provisions of this Act, every Pier or Harbour erected, enlarged, improved, or maintained under the Authority of this Act shall be open to all Persons for the shipping and unshipping of Goods, and the embarking and landing of Passengers.

Rates not to be taken till Pier or Harbour is completed.

XIII. The Proprietor shall not be authorized to take the Rates leviable under this Act until the Pier or Harbour for the Use of which such Rates are leviable shall be completed, and fit for the Reception of Vessels; and a Certificate under the Hand of the Sheriff shall be conclusive Evidence that the Pier or Harbour is so completed; and the Sheriff shall sign such Certificate, on Proof being adduced to him of such Completion and Fitness.

Clause C. After Expiration of

XIV. After the Expiration of Five Years from the opening of any Pier or Harbour to the Public, it shall be lawful for the Proprietor or

or for any Trader paying Rates thereat, after giving such and the like Notice as is herein-before directed to be given in relation to the Schedule of Rates submitted to the Sheriff, to apply to the Board of Trade to increase, reduce, or alter the said Rates; and the Board may, if they think fit, remit such Application to the Sheriff, who shall hear the Parties, and deal with the Application in such and the like Manner as is herein-before directed in relation to the Schedule of Rates, and shall report the same to the Board, and the Board shall make such Order thereon for the Increase or Reduction of such Rates as they shall see fit; provided that it shall not be lawful to renew such Application within the Period of Five Years with regard to any Rate after such Rate shall have been fixed by the Board of Trade in consequence of such Application.

Five Years Board of Trade, on Application of Proprietor or Trader, may order Rates.

XV. For the Purpose of ascertaining Tonnage Duties payable on Vessels under this Act, the Tonnage of British Vessels duly registered according to Law shall be ascertained according to the certified Tonnage in the Register of such Vessels, and the Tonnage of all other Vessels shall be ascertained according to the Rules of Admeasurement for the Time being established by Law for the Admeasurement of the Tonnage and Burden of the Merchant Shipping of the United Kingdom.

For ascertaining Tonnage Duties.

XVI. The Master or Owner of every Vessel using or resorting to any Pier or Harbour shall be liable for any Damage done by them or either of them, or by such Vessel, or by the Mariners on board the same, to any of the Works, Machinery, or Tackle connected with the Pier or Harbour, or to any Vessel at or in the same, with full Costs of Suit; and it shall be lawful to detain the Vessel doing such Damage until the same be paid, or satisfactory Security granted for the Payment thereof.

Master of Vessel liable for Damage done by Vessel or Crew.

XVII. It shall be in the Power of the Proprietor or Lessee to appoint during Pleasure such Harbour Masters, Pilots, Meters, Collectors of Dues, or other Officers as may be requisite for carrying into effect the Purposes and Provisions of this Act.

Proprietors may appoint Harbour Masters, &c.

XVIII. The Sheriff may appoint such Persons as shall be nominated for that Purpose by the Proprietor to be Special Constables within the Limits of the Pier or Harbour and Premises of the Proprietors; and every Person so appointed shall be sworn in by the Sheriff duly to execute the Office of Constable within the Limits aforesaid, and when so sworn in shall have the same Powers, Protection, and Privileges, within such Limits, and shall be subject to the same Liabilities as Constables have or are subject to by the Laws of the Realm:

Sheriff to appoint Special Constables named by the Proprietor.

Provided that any Expense attending such Appointment shall be paid by the Proprietor.

Custom House Officer not to discharge any Vessel before Duties paid.

XIX. No Collector of Her Majesty's Customs or other Officer of Revenue at any Pier or Harbour shall permit any Vessel chargeable with Rates under this Act to be entered Inwards, Outwards, or Coast-wise, or any Goods to be landed from or put on board of such Vessel, until he shall have received from the proper Officer a Certificate of all such Rates having been paid in full.

Penalty for Evasion of Rates.

XX. If the Master of any Vessel or the Owner of any Goods evade the Payment of the Rates payable to the Proprietor in respect of such Vessels or Goods or any Part thereof, or shall claim Exemption from Rates not being entitled thereto, he shall forfeit and pay to the Proprietor Three Times the Amount of the Rates so evaded or from which he shall have improperly claimed Exemption, and such Penalty shall be recovered from such Master or Owner respectively in the same Manner as Penalties imposed by this Act are directed to be recovered, or by Action in any Court of competent Jurisdiction.

Power to lease Rates.

XXI. It shall be lawful for the Proprietor to lease the Rates or any Part thereof to any Person and for any Term he shall think proper, and such Lease shall be valid and effectual; and the Lessee, and such Person as he shall appoint to collect and receive the Rates so let, shall during the Continuance of such Lease be deemed Collectors of the Rates, and shall have the same Power and Authority for collecting and recovering the same as if they had been appointed for that Purpose by the Proprietor: Provided that no such Lease shall affect the Power of the Board of Trade to alter the Rates in manner herein provided.

Byelaws may be made for all or any of the Purposes herein named.

XXII. The Proprietor may from Time to Time prepare, and submit to the Sheriff for his Approval, such Byelaws as he shall think fit, for all or any of the following Purposes: (that is to say,)

For regulating the Use of the Pier or Harbour:

For regulating the Exercise of the Powers and Duties of the Harbour Master and other Officers:

For regulating the Admission of Vessels at, into, or near the Pier or Harbour, and their Removal out of and from the same, and for the good Order and Government of such Vessels whilst within the Harbour or at or near the Pier:

For regulating the shipping and unshipping, landing, warehousing, storing, depositing, and removing of all Goods within the Limits of the Pier or Harbour and the Premises of the Proprietor:

For

For regulating (with the Consent of the Commissioners of Her Majesty's Customs) the Hours during which the Gates or Entrances or Outlets to the Pier or Harbour shall be open:

For regulating the Duties and Conduct of all Persons, as well the Servants of the Proprietor as others, not being Officers of Customs or Excise, who shall be employed in the Pier or Harbour and the Premises of the Proprietor:

For regulating the Use of Fires and Lights at and within the Pier or Harbour and the Premises belonging thereto, and within any Vessel being at or within the Pier or Harbour or within the prescribed Limits (if any):

For preventing Damage or Injury to any Vessel or Goods at or within the Pier or Harbour or on the Premises of the Proprietor:

For regulating the Use of the Cranes, Weighing Machines, Weights and Measures, belonging to the Proprietor, and the Duties and Conduct of all Weighers and Meters employed at the Pier or Harbour:

For regulating the Duties and Conduct of the Porters and Carriers employed on the Premises of the Proprietor, and fixing the Rates to be paid to them for carrying any Goods, Articles, or Things from or to the same:

And if the Sheriff shall approve of such Byelaws, and certify his Approval in Writing, then such Byelaws shall come into operation and shall be published as herein directed: Provided always, that they be not repugnant to the Law of Scotland or the Provisions of this Act.

Notice of Application for Approval of Byelaws to be given in One or more Newspapers.

XXIII. No such Byelaws shall be so approved of and certified unless Notice of the Intention to apply for such Approval and Certification have been given in a Newspaper published in the County in which the Pier or Harbour is situated, or if there be no such Newspaper, then in a Newspaper published in an adjoining County, One Month at least before the hearing of such Application; and any Person desiring to object to any such Byelaw, on giving to the Proprietor Notice of the Nature of his Objection Ten Days before the hearing of the Application for the Allowance thereof, may, by himself, his Counsel or Agent, be heard thereon, but not so as to allow more than One objecting Party to be heard on the same Matter of Objection.

A Copy of proposed Byelaws to be open to Inspection.

XXIV. For One Month at least before any such Application for Approval of any Byelaws, a Copy of the proposed Byelaws shall be kept at the Office of the Proprietor, and all Persons may at all reasonable Times inspect such Copy, without Fee or Reward, and the Proprietor shall furnish every Person who shall apply for the same

with a Copy thereof or of any Part thereof, on Payment of Sixpence for every One hundred Words so to be copied.

Publication of Byelaws.

XXV. All such Byelaws, when approved and certified, shall be printed, and placed on Boards in some conspicuous Part of the Office of the Proprietor, and also on some conspicuous Part of the Pier or Harbour; and such Boards, with the Byelaws thereon, shall be renewed from Time to Time as Occasion shall require, and shall be open to Inspection, without Fee or Reward; and in case the Officer shall not permit the same to be inspected at all reasonable Times, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Byelaws to be binding on all Parties.

XXVI. All Byelaws made and approved of according to the Provisions of this Act, when so published and put up, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Persons acting under the same.

Proof of Publication of Byelaws.

XXVII. The Production of a written or printed Copy of the Byelaws, authenticated by the Sheriff who shall have approved of the same, shall be Evidence of the Existence and due making of such Byelaws, in all Cases of Prosecution under the same, without Proof of the Signature of the Sheriff; and with respect to the Proof of the Publication of any such Byelaws, it shall be sufficient to prove that a Board containing a Copy thereof was put up and continued in manner by this Act directed, and in case of its afterwards being displaced or damaged that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such painted Board did not contain a Copy of such Byelaws, or was not duly put up or continued as directed by this Act.

Tables of Penalties for Breach of Byelaws to be approved and certified.

XXVIII. The Proprietor may in like Manner submit to the Sheriff a Table of Penalties to be imposed, not exceeding Five Pounds for each Breach of the Byelaws; and if such Penalties be approved and certified in the same Manner as herein provided with regard to Byelaws, they shall be recoverable before the Sheriff or Two Justices of the Peace, and when recovered shall be paid to the Proprietor.

How Alterations or Revisions of Byelaws may be obtained.

XXIX. The Proprietor may obtain Alteration or Revisal of the Byelaws from Time to Time in the same Manner as such Byelaws are herein directed to be brought into operation.

Clause D. Sheriff on Application of Persons paying Rates may alter or

XXX. Any Person who shall have paid Rates at any Pier or Harbour under this Act may, after giving One Month's Notice in Writing to the Proprietor, make Application to the Sheriff to alter or repeal any such Byelaws; and the Sheriff shall, on a Day to be appointed

appointed by him, hear Parties by themselves, their Counsel or Agents, and decide upon such Application: Provided always, that such Application shall not be renewed by the same or any other Person within Two Years in regard to the same Byelaw; and it shall be lawful to the Sheriff to make such Decision as he shall think fit with regard to the Costs of such Hearing. repeal Bye-laws.

XXXI. All Causes or Matters which shall arise out of or be connected with the Provisions of this Act, or the Byelaws, Rules, or Regulations made in pursuance of the Powers hereby granted, shall be heard and determined by, and all Penalties by this Act imposed shall be recovered summarily in the ordinary Court of the Sheriff, who shall give such Judgments and Decrees on the Causes and Matters so brought before him as shall be consistent with the true Intent and Meaning of this Act, and the Byelaws, Rules, and Regulations made in pursuance hereof; and it shall be lawful to commit any Person who shall fail to obey such Judgments and Decrees, or to pay the Penalties imposed under this Act, to the Common Prison, for such Time as the Sheriff shall direct, not exceeding Three Months; and the Decision of the Sheriff shall in all such Cases be final, and not subject to Review by Suspension, Reduction, or Advocation or otherwise. The Sheriff to have summary Jurisdiction.

XXXII. Any Complaint before the Sheriff for any Offence under the Provisions of this Act may be raised and prosecuted at the Instance of the Proprietor or of the Collector of the Rates, or of any other Officer or Person thereto authorized by the Proprietor. Form of Proceedings against Offenders.

XXXIII. It shall be lawful for the Proprietor, or any other Person appointed by him and acting on his Behalf, under the Authority of this Act, to seize and detain any transient Persons unknown to him or them who shall be detected in the Commission of any Offence against the Provisions of this Act, and to convey such Persons before the Sheriff or Sheriff Substitute, without any other Warrant than this Act for so doing; and such Sheriff and Sheriff Substitute respectively are hereby empowered to proceed with all convenient Despatch, and without the Necessity of serving a Copy of the Complaint, to the summary hearing and determining of the same. Transient Offenders may be apprehended and taken before the Sheriff or a Justice of the Peace.

XXXIV. Where any Pier or Harbour shall have been erected or maintained under the Provisions of this Act, it shall be competent to the Lord High Admiral or to the Lords Commissioners of the Admiralty from Time to Time to require that any Part or Parts of "The Harbours, Docks, and Piers Clauses Act, 1847," shall be adopted in respect of such Pier or Harbour; and the Clauses of the said Act Provision for Application of 10 & 11 Vict. c. 27. when required by Admiralty.

which shall be so required shall come into operation on Six Months Notice being given to that Effect.

Exemption of Vessels in Her Majesty's Service.

XXXV. All Vessels belonging to or employed in the Service of Her Majesty, or Her Heirs and Successors, or the Service of the Customs or Excise, or Post Office, or the Parliamentary Commissioners of the Northern Lights, or of the Corporation of the Trinity House of Deptford Strond, or the Corporation for preserving and improving the Port of Dublin, or for the Service of Lighthouses, Buoys, and Beacons, using any Pier or Harbour, and all Naval and Ordnance Stores and other Matters imported into or exported therefrom for the Use of the Navy or Army, shall be exempted from Payment of all the Rates hereby granted.

Rights of Ferry, &c. reserved.

XXXVI. Nothing herein contained shall be held to alter, affect, or interfere with the Rights, Powers, or Privileges granted to any existing Harbours erected under the Authority of Royal Grants or Acts of Parliament, or to extend or be applicable to any Lands or Places included within the Precincts of such Harbour, or to abrogate or interfere with any Right of Ferry possessed by any Proprietor, or impair or affect any other Right which such Proprietor may possess or enjoy in virtue of the Investitures of his Lands and Heritages.

Saving the Rights of the Crown.

XXXVII. Nothing contained in this Act shall extend to prejudice, diminish, alter, or take away any of the Estates, Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Saving of General Acts.

XXXVIII. Nothing in this Act contained shall exempt any Pier or Harbour erected, enlarged, improved, or maintained under the Authority thereof, or any Rates taken at any such Pier or Harbour, from the Provisions of any General Acts relating to Harbours, Piers, or the Dues on Shipping, or on Goods or Passengers carried in Ships, already passed or hereafter to be passed.

SCHE-

SCHEDULE to which this Act refers.

SCHEDULE (A.)

TONNAGE RATES ON VESSELS ENTERING OR USING THE HARBOUR.

	Per Ton. s.	d.
For every decked or partly decked Vessel, under the Burden of Fifteen Tons	0	2
For every decked or partly decked Vessel of the Burden of Fifteen Tons and under Fifty Tons	0	3
For every Vessel of the Burden of Fifty Tons and under One hundred Tons	0	4
For every Vessel of One hundred Tons and upwards	0	6
For Vessels Wind bound	0	1

HERRING BOATS.

For each Herring Boat, for the Period of each Herring Fishing Season, to be paid at the Commencement of the Season, and in lieu of all other Tonnage Duties payable for such Herring Boat	5	0
For each Herring Boat not having paid such Duty, and every undecked Boat coming into the Harbour, whether on account of Stress of Weather or from any other Cause whatever, the following Tonnage Duties; viz.—		
If under Twenty Tons, each	1	0
If above Twenty and under Thirty Tons, each	1	6
And all above Thirty Tons the same Tonnage Duties as other Vessels.		

RATES ON PASSENGERS.

For every Person landing from or embarking in any Vessel	0	3

RATES ON GOODS.

Ale, Beer, or Porter	per Hogshead	0	3
Bark in Bulk	per Ton	0	6
Beef, fresh or salted, or other Provisions	per Barrel	0	1
Bones	per Ton	0	4
Bone Dust	per Ton	0	4
Bricks	per 1,000	0	6
Calves	each	0	0½

		s.	*d.*
Carriages, Four-wheeled	each	0	6
Carriages, Two-wheeled	each	0	4
Cattle; viz. Bulls, Cows, and Oxen	each	0	2
Chalk	per Ton	0	4
Coach or Cart Wheels	per Pair	0	4
Coal	per Ton	0	2
Copper	per Ton	1	0
Cordage	per Ton	1	0
Dogs (Sporting only)	each	0	1
Empty Barrels	each	0	0½
Flax	per Ton	0	8
Grain, viz., Wheat	per Quarter	0	1½
Barley, Bear, Peas, Beans, Oats, and all Descriptions of Grain	per Quarter	0	1
Guano and other Manure	per Ton	0	6
Hemp and Cotton, unwrought	per Ton	0	10
Herrings, fresh	per Cran	0	0½
ditto cured	per Barrel	0	1½
Horses of all Ages	each	0	2
Iron, Pig, or Old	per Ton	0	4
Bar, Bolt, or Rod	per Ton	0	4
Kelp	per Ton	0	6
Lambs	per Score	0	2
Lathwood	per Fathom	1	6
Lead of all Kinds	per Ton	1	0
Lime	per Chaldron	0	8
Malt	per Quarter	0	1½
Meal and Flour	per Bag of 280 lbs.	0	1
Mill Stones	each	0	6
Oakum	per Ton	1	0
Oil Cake	per Ton	0	8
Paving Stones and dressed Freestone	per Ton	0	4
Other Stones	per Ton	0	3
Peats	per Ton	0	3
Pigs of all Ages	each	0	0½
Potatoes	per Ton	0	4
Poultry, including Pigeons, Game, and other Birds	per Doz.	0	0½
Salt	per Ton	0	8
Sheep of all Ages	per Score	0	4
Slates, under Size	per 1,000	0	4
sizeable	per 1,000	0	7
over Size	per 1,000	0	10
Spirits	per Hogshead of 56 Gallons	0	6
Stucco	per Ton	0	6

Tiles,

		s.	*d.*
Tiles, roofing	per 1,000	0	6
„ or Pipes for draining	per 1,000	0	6
Timber unwrought of all Kinds:			
Hard Wood, per Load of 50 Cubic Feet		0	8
Soft Wood, per Load of 50 Cubic Feet		0	8
Wine, in Cask	per Hogshead	0	4
In Bottle	per Barrel Bulk	0	2
Wool	per Cwt.	0	1

All other unenumerated Articles to pay at landing or shipping:

If by Measurement	per Barrel Bulk	0	1½
If by Weight	per 2½ Cwt.	0	1½

Articles which can be measured to pay by Barrel Bulk; all others by Weight.

In charging the Rates on Goods the gross Weight or Measurement of all Goods to be taken; and for any less Weights, Measures, and Quantities than those above specified a Proportion of the respective Rates shall be charged.

Five Cubic Feet, not exceeding Two and a Half Hundredweight, to be rated as a Barrel Bulk; but when the Weight of Five Cubic Feet is greater than Two and a Half Hundredweight, then Two and a Half Hundredweight to be rated as a Barrel Bulk.

Rates for the Use of Sheds, Cranes, and Weighing Machines.

Sheds.

For each Ton of Goods of Eight Barrels Bulk, or for each Ton of Goods of Twenty Cwt., which shall remain in any Shed or on the Pier or at the Harbour for a longer Time than Forty-eight Hours, the Sum of Threepence, and the Sum of One Penny Halfpenny per Ton for each Day during which such Goods shall remain after the first Forty-eight Hours.

Cranes.

All Articles or Packages not exceeding One Ton		0	2
„ exceeding One Ton and not exceeding Two Tons		0	3
„ „ Two Tons „	Three „	0	5
„ „ Three „	Four „	0	7
„ „ Four „	Five „	0	9
„ „ Five „	Six „	0	11
„ „ Six „	Seven „	1	1
„ „ Seven „	Eight „	1	3
„ „ Eight „	Nine „	1	6
„ „ Nine „	Ten „	1	9
„ „ Ten „		2	6

Weighing Machines.

For weighing Goods, One Penny per Ton.

Piers and Harbours.

(Scotland.)

A

BILL

[AS AMENDED IN COMMITTEE]

To encourage the Erection of Piers and Harbours in Scotland.

(Prepared and brought in by Sir Archibald Campbell and Mr. Scott.

Ordered, by The House of Commons, *to be Printed,* 22 *June* 1855.

[Bill 190.]

Under 3 oz.

Places of Religious Worship Registration Bill.

ARRANGEMENT OF CLAUSES.

Preamble recites 1 Will. & Mary, Sess. 1, c. 18; 52 G. 3. c. 155; 31 G. 3. c. 32; 2 & 3 W. 4. c. 115; 9 & 10 Vict. c. 59; 15 & 16 Vict. c. 36.

15 & 16 Vict. c. 36, repealed; Sect. 1.

Places of Worship to be certified to Registrar General; 2.

Places of Meeting to be recorded; 3.

Places of Meeting already certified, save those certified under 15 & 16 Vict. c. 36, to be certified to Registrar General in or before the Month of January 1855, and recorded by him; 4.

Fee of 1*s.* or 2*s.* 6*d.* to be paid with Certificate to Superintendent Registrar; 5.

Notice to be given to the Registrar General of every Place of Meeting becoming disused for the Purpose for which it was certified; 6.

Registrars of Births and Deaths to make periodical Returns to the Registrar General of all Places of Meeting which shall have been discontinued or transferred to Persons of a different Religious Denomination; 7.

Quinquennial List of certified Places to be printed; 8.

Direction to Registrar General to cancel Records of certified Places ceasing to be used as such; 9.

Saving for Established Church; 10.

Certificate of Place of Meeting having been recorded to be given, on Payment of 2*s.* 6*d.*; 11.

Sums received by or on account of Registrar General to be accounted for, and Expenses defrayed as other Expenses of the General Register Office; 12.

Past Marriages in Places registered for solemnizing Marriages, but not certified, rendered valid; 13.

Existing Registration for solemnizing Marriages rendered good *ab initio* by certifying under this Act; 14.

Act not to extend to Scotland or Ireland; 15.

A

B I L L

TO

Amend the Law concerning the certifying and registering of Places of Religious Worship in England.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS by an Act of the First Session of the First Year of King William and Queen Mary, Chapter Eighteen, and an Act of the Fifty-second Year of King George the Third, Chapter One hundred and fifty-five, Places of Meeting of Congregations or Assemblies for Religious Worship of Protestants (save as therein excepted with respect to Places of Worship of the Established Church and otherwise) were required to be certified to the Bishop's or Archdeacon's Court, or to the General or Quarter Sessions of the Peace, and to be registered in such Court, and recorded at such Sessions: And whereas by an Act of the Thirty-first Year of King George the Third, Chapter Thirty-two, every Place of Congregation or Assembly for Religious Worship of Persons professing the Roman Catholic Religion is required to be certified to and recorded at the General or Quarter Sessions of the Peace: And whereas by the Two following Acts respectively, that is to say, an Act of the Session holden in the Second and Third Years of King William the Fourth, Chapter One hundred and fifteen, and an Act of the Session holden in the Ninth and Tenth Years of Her Majesty, Chapter

Preamble.
1 W. & M. Sess. 1. c. 18.
52 G. 3. c. 155.
31 G. 3. c. 32.
2 & 3 W. 4. c. 115.
9 & 10 Vict. c. 59.

Chapter Fifty-nine, Her Majesty's Subjects professing the Roman Catholic Religion, and Her Majesty's Subjects professing the Jewish Religion, in respect of their Places for Religious Worship, are made subject to the same Laws as Protestant Dissenters: And whereas by an Act passed in the Session holden in the Fifteenth and Sixteenth Years of Her Majesty, Chapter Thirty-six, Places of Meeting of Congregations or Assemblies for Religious Worship of Protestant Dissenters are required to be certified to the Registrar General of Births, Deaths, and Marriages in England, and to be recorded in the General Register Office, in lieu of being certified to and registered and recorded in the Bishop's or Archdeacon's Court, and at the General or Quarter Sessions, as herein-before mentioned: And whereas it is expedient that all Places of Religious Worship, not being Churches or Chapels of the Established Church, should be certified to the said Registrar General: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

15 & 16 Vict. c. 36.

15 & 16 Vict. c. 36, repealed, saving for Places of Worship certified thereunder.

I. The said Act of the Fifteenth and Sixteenth Years of Her Majesty, Chapter Thirty-six, shall be repealed: Provided always, that the certifying thereunder before the *passing of this Act* of any Place of Meeting for Religious Worship shall, subject to the Provisions hereinafter contained, have the same Force and Effect from the Time of such certifying as if the same had been duly certified, registered, and recorded as before the passing of the said Act of the Fifteenth and Sixteenth Years of Her Majesty, Chapter Thirty-six, was required by Law, and such Act and this Act had not been passed.

Places of Worship to be certified to Registrar General.

II. Every Place of Meeting for Religious Worship of Protestant Dissenters or other Protestants, and of Persons professing the Roman Catholic Religion by the said Acts of King William and Queen Mary, the Thirty-first and Fifty-second Years of King George the Third, and the Fifteenth and Sixteenth Years of Her Majesty, Chapter Thirty-six, or any of them, required to be certified and registered or recorded, as therein mentioned, and not heretofore certified and registered or recorded in manner required by Law, and every Place of Meeting for Religious Worship of Persons professing the Jewish Religion, not heretofore certified and registered or recorded as aforesaid, and every Place of Meeting for Religious Worship of any other Body or Denomination of Persons, shall be certified in Writing to the Registrar General of Births, Deaths, and Marriages in England, through the Superintendent Registrar of Births, Deaths, and Marriages of the District in which such Place may

may be situate; and such Certificate shall be in Duplicate, and upon Forms in accordance with Schedule A. to this Act, or to the like Effect, such Forms to be provided by the said Registrar General, and to be obtained (without Payment) upon Application to such Superintendent Registrar as aforesaid; and the said Superintendent Registrar shall, upon the Receipt of such Certificate in Duplicate, forthwith transmit the same to the said Registrar General, who, after having caused the Place of Meeting therein mentioned to be recorded as herein-after directed, shall return One of the said Certificates to the said Superintendent Registrar, to be re-delivered by him to the certifying Party, and shall keep the other Certificate with the Records of the General Register Office.

Places of Meeting to be recorded.

III. The said Registrar General shall cause all Places of Meeting for Religious Worship certified to him under this Act to be recorded in a Book to be kept by him for that Purpose at the General Register Office, and no such Place of Meeting as aforesaid shall be certified to or registered in any Court of any Bishop or Archdeacon, or be certified to or recorded at any General or Quarter Sessions; and the certifying to the said Registrar General of any such Place of Meeting for Religious Worship of Protestant Dissenters or other Protestants or Roman Catholics, or Persons professing the Jewish Religion, shall, subject to the Provisions herein contained, have the same Force and Effect as if such Place had been duly certified and recorded or registered and recorded as before the passing of the said Act of the Fifteenth and Sixteenth Years of Her Majesty, Chapter Thirty-six, was required by Law, and such Act and this Act had not been passed.

Places of Meeting already certified, save those certified under 15 & 16 Vict. c. 36. to be certified to Registrar General in or before January 1856, and recorded by him.

IV. Every Place of Meeting for Religious Worship heretofore certified and registered or recorded in manner required by Law, and which continues to be used for Religious Worship, save any such Place of Meeting certified to the said Registrar General under the said Act of the Fifteenth and Sixteenth Years of Her Majesty, Chapter Thirty-six, shall, in or before the *Month of January One thousand eight hundred and fifty-six*, be certified in Writing to such Registrar General through the Superintendent Registrar of the District in which such Place may be situate, and shall be recorded by such Registrar General in manner herein-before mentioned concerning Places of Meeting not heretofore certified and registered or recorded; and where any Place of Meeting by this Enactment required to be certified to the Registrar General as aforesaid shall not be so certified before the End of the said Month of *January*, the said Registrar General shall in the Month of *February* then next cause to be delivered, left, or sent to or for the Minister, or One of the Deacons, Elders,

Elders, Stewards, Managers, or Trustees, or the Owner or Occupier of such Place of Meeting, or to be affixed on some outer Door of such Place of Meeting by the Registrar of Births and Deaths acting in and for the Sub-District in which such Place of Meeting is situate, a Notice of this Enactment, and requiring such Place to be certified in Writing to the said Registrar General in manner herein mentioned before the End of the Month of *March* then next, and that in default of the same being so certified such Place will, from the End of the said Month of *March*, cease to be a Place of Meeting duly certified or registered or recorded as required by Law; and every such Place of Meeting by this Enactment required to be certified to the Registrar General as aforesaid shall from and after the *Month of March One thousand eight hundred and fifty-six* cease to be deemed duly certified or registered or recorded as required by Law, unless and until the same shall have been certified under this Act.

Fee of 1*s.* or 2*s.* 6*d.* to be paid with Certificate to Superintendent Registrar.

V. Upon the Delivery of every Certificate to the Superintendent Registrar for Transmission to the Registrar General for the Purpose of being recorded under this Act, the Person delivering the same shall pay to such Superintendent Registrar for his own Use the Sum following (that is to say), in respect of every Place of Meeting for Religious Worship used for that Purpose before the passing of the said Act of the Fifteenth and Sixteenth Years of Her Majesty, Chapter Thirty-six, *One Shilling*, and in respect of every other Place of Meeting for Religious Worship to be hereafter certified and recorded under this Act, the Sum of *Two Shillings and Sixpence*, and it shall not be lawful to demand or take any greater Fee or Reward for the same respectively.

Notice to be given to Registrar General of every Place of Meeting becoming disused for the Purposes for which it was certified.

VI. Whenever any Place of Meeting for Religious Worship which may have been certified under the said Act of the Fifteenth and Sixteenth Years of Her Majesty, Chapter Thirty-six, or this Act, shall have wholly ceased to be used as such Place of Meeting, the Person or One of the Persons who so certified or last certified the same (as the Case may be), or the Trustee or One of the Trustees for the Time being of such Place of Meeting, or the Owner or Occupier or One of the Owners or Occupiers thereof, shall, if then resident within the Superintendent Registrar's District within which such Place shall be situate, forthwith give Notice to the Registrar General through such Superintendent Registrar that such Place has so ceased to be used as a Place of Meeting for Religious Worship, such Notice to be in a Form in accordance with the Schedule B. to this Act, or to the like Effect, and which Form shall be provided by the said Registrar General, and may be obtained (without Payment) upon Application to the said Superintendent Registrar; and the Person

Person giving such Notice shall sign the same in the Presence of such Superintendent Registrar or of his Deputy, who shall forthwith transmit the same through the General Post to the Registrar General at the General Register Office.

Registrars of Births and Deaths to make periodical Returns to the Registrar General of all Places of Meeting which shall have been discontinued or transferred to Persons of a different Religious Denomination.

VII. In the Month of *January* in each of the Years *One thousand eight hundred and fifty-six* and *One thousand eight hundred and sixty-one*, and also in the Month of *January* in every *Fifth* Year subsequent to the Year *One thousand eight hundred and sixty-one*, every Registrar of Births and Deaths shall, under the Direction of the said Registrar General, diligently inquire and to the best of his Ability ascertain if any and what Place or Places in his Sub-District certified for Public Religious Worship has or have been wholly discontinued to be used for such Purpose for the Space of *Six* Calendar Months then next preceding, or is or are used for Religious Worship by some other, and what other, Religious Denomination than the Denomination for whose Use the same was or were certified or last certified (as the Case may be), together with the Date of such Discontinuance or Change of Use, as nearly as the same can be ascertained, and shall in every such Month of *January* make a Return of all the Particulars aforesaid, according to a Form to be provided for that Purpose by the Registrar General, and shall sign a Declaration at the End of such Return, to the Effect that the same Return is to the best of his Knowledge and Belief a true and correct Return, and shall on or before the last Day of the next following Month of *February* transmit such Return, with such Declaration, signed by him as aforesaid, to the said Registrar General at the General Register Office, through the Post; and if any such Registrar of Births and Deaths shall make or transmit any Return which shall be false in any of the said Particulars, knowing the same to be false, he may be proceeded against and prosecuted, and if convicted, punished in the same Manner as he might be under the Act of the Seventh Year of King William the Fourth, Chapter Eighty-six, for registering Births, Deaths, and Marriages in England, if he had made a false Entry of a Birth or Death, knowing the same to be false.

Quinquennial List of certified Places to be printed.

VIII. The said Registrar General shall, in each of the Years *One thousand eight hundred and fifty-six* and *One thousand eight hundred and sixty-one*, and also once in every *Fifth* Year subsequent to the said Year *One thousand eight hundred and sixty-one*, make out and cause to be printed a List of all Places of Meeting which have been certified to and recorded by him under the said Act of the Fifteenth and Sixteenth Years of Her Majesty, Chapter Thirty-six, or this Act, and the Record of which has not been cancelled as herein-after pro-

vided, and shall state in such List the County and Superintendent Registrar's District within which each of such Places of Meeting is situated, and the Religious Denomination to which the Persons for the Time being certifying it belong, and shall cause a Copy of such List to be sent to every Superintendent Registrar of Births, Deaths, and Marriages in England, and such List shall be open at all reasonable Times to all Persons desirous of inspecting the same, on Payment to such Superintendent Registrar of a Fee of *One Shilling*.

Direction to the Registrar General to cancel Records of Certificates of Places of Worship ceasing to be used as such.

IX. Whenever it shall appear to the Satisfaction of the said Registrar General, from any Notice which shall have been given to him as aforesaid, or from any Return which shall have been made to him by any Registrar of Births and Deaths as aforesaid, that any certified Place of Meeting for Religious Worship has wholly ceased to be used for the Purpose for which it was so certified, the said Registrar General shall cause the Record of such Certification to be cancelled, and shall expunge the Name of such Place from the List of certified Places so to be printed by him as aforesaid; and after such Cancellation as aforesaid such Place shall cease to be deemed duly certified as by Law required, and shall so remain until it shall have been duly certified afresh under this Act.

Saving for Established Church.

X. Nothing in this Act shall affect or be construed to affect the Churches or Chapels of the United Church of England and Ireland, or the Celebration of Divine Service according to the Rites and Ceremonies of the said United Church by Ministers of such Church, in any Place hitherto used for such Purpose, or being now or hereafter duly consecrated or licensed by any Archbishop or Bishop or other Person lawfully authorized to consecrate or license the same.

Certificate of Place having been certified to be given.

XI. The Registrar General, on Payment to him of a Fee of *Two Shillings and Sixpence*, shall, with respect to any Place certified to him as a Place of Meeting for Religious Worship, the Record whereof remains uncancelled, give to any Person demanding the same a Certificate, sealed or stamped with the Seal of the General Register Office, that at the Time or respective Times in such Certificate in that Behalf stated the Place therein described was duly certified and duly recorded as required by this Act, and that at the Date of such sealed or stamped Certificate the Record of such Certification remained uncancelled; and every such sealed or stamped Certificate, if tendered in Evidence upon any Trial or other judicial Proceeding in any Civil or Criminal Court, shall be received as Evidence of the said several Facts therein mentioned, without any further or other Proof of the same.

XII. All

XII. All Sums to be received by or on account of the Registrar General in pursuance of this Act shall be accounted for and paid in manner directed by the said Act of the Seventh Year of King William the Fourth, "for registering Births, Deaths, and Marriages in England," with respect to Sums received by him or on his Account under the Provisions of that Act; and all Expenses incurred by the said Registrar General, or by any Superintendent Registrar, or Registrar, with his Sanction and acting under his Direction or Authority, in carrying this Act into execution and making known its Provisions, shall be deemed to have been incurred in carrying on the Business of the General Register Office, and be defrayed accordingly.

Sums received by or on account of Registrar General to be accounted for, and Expenses defrayed as other Expenses of the General Register Office.

XIII. All Marriages heretofore had or solemnized in any Building registered under the Act of the Seventh Year of King William the Fourth, Chapter Eighty-five, "for Marriages in England," as a Place for solemnizing Marriages therein, but which may not have been certified according to Law as a Place of Religious Worship, shall be as valid in all respects as if such Place had been so certified before being so registered.

Past Marriages in Places registered for solemnizing Marriages, but not certified, rendered valid.

XIV. Where any Building registered before the *passing of this Act* for solemnizing Marriages therein may not have been certified according to Law as a Place of Religious Worship before being so registered, such Registration shall, upon the same Building being certified under this Act, be good and valid from the Time of such Registration.

Existing Registration for solemnizing Marriages rendered good *ab initio* by certifying under this Act.

XV. This Act shall not extend to Scotland or Ireland.

Act not to extend to Scotland or Ireland.

SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

To the Registrar General of Births, Deaths, and Marriages in England.

I, the undersigned [*here insert the Name, Residence, and County in which it is situate, and the Rank or Profession of the Party certifying*], do hereby, under and by virtue of an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled "An Act to amend the Law concerning the certifying and "registering of Places of Religious Worship in England," certify that a certain Building known by the Name of situated at in the County of within the Superintendent Registrar's District of was used as a Place of Meeting for Religious Worship before the Thirtieth Day of June 1852, and [*if the Place was not so used before that Date expunge the Two preceding Lines*] is intended to be used, and will be forthwith used as a Place of Meeting for Religious Worship by a Congregation or Assembly of Persons calling themselves [*here insert* "Protestant Dissenters," "Independents," "Particular Baptists," "Wesleyan Methodists," "Roman Catholics," "Jews," *or other Religious Denomination of, or Religious Appellation adopted by, the Persons on whose Behalf the Building is certified*]. And I request that this Certificate may be recorded in the General Register Office pursuant to the said Act.

Dated this Day of 185 .

Signature of the Person certifying.

of the Place of Meeting above described.

[*Insert in the Space immediately following the Signature, the Word* "Minister," "Proprietor," "a Trustee," "Occupier," "an Attendant," *or such other Words as will clearly show the Connexion subsisting between the Person certifying and the Place of Meeting.*]

SCHE-

SCHEDULE B.

To the Registrar General of Births, Deaths, and Marriages in England.

I, the undersigned of in the County of being the Person or One of the Persons who certified or last certified [*or* being "the Trustee," *or* "One of the Trustees," *or* the "Owner," *or* "Occupier," *or* "One of the Owners or Occupiers" (*as the Case may be*), of] a certain Building known by the Name of [*or* a certain Dwelling House, *&c.* (*as the Case may be*)] situate at in the County of within the Superintendent Registrar's District of [and being now resident within the same District], do hereby declare and give you Notice, in pursuance of an Act passed in the Year of Her present Majesty, Chapter that the aforesaid Building [*or* Dwelling House, *&c.*] which was on the Day of 185 recorded by you as a Place of Meeting for Religious Worship by a Congregation or Assembly of Protestant Dissenters from the United Church of England and Ireland, of the Denomination calling themselves [*or* by a Congregation or Assembly of Roman Catholics, *or* of Persons belonging to the Society of Friends, *or* of Persons professing the Jewish Religion (*as the Case may be*)], has wholly ceased to be used as a Place for public Religious Worship. Witness my Hand, this Day of 185 .

Places of Religious Worship Registration.

A

B I L L

To amend the Law concerning the certifying and registering of Places of Religious Worship in England.

(*Prepared and brought in by Mr. Pellatt and Mr. Crossley.*)

Ordered, by The House of Commons, *to be Printed*, 29 *March* 1855.

[Bill 71.]

Under 2 oz.

Places of Religious Worship Registration Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preamble recites 1 Will. & Mary, Sess. 1, c. 18; 52 G. 3. c. 155; 31 G. 3. c. 32; 2 & 3 W. 4. c. 115; 9 & 10 Vict. c. 59; 15 & 16 Vict. c. 36.

15 & 16 Vict. c. 36, repealed; Sect. 1.

Places of Worship to be certified to Registrar General; 2.

Places of Meeting to be recorded; 3.

Places of Meeting already certified, save those certified under 15 & 16 Vict. c. 36, may be certified to Registrar General, and recorded by him; 4.

Fee of 2*s*. 6*d*. to be paid with Certificate to Superintendent Registrar; 5.

Notice to be given to the Registrar General of every Place of Meeting becoming disused for the Purpose for which it was certified; 6.

List of certified Places to be printed; 7.

Direction to Registrar General to cancel Records of certified Places ceasing to be used as such; 8.

Certified Places exempted from the Operation of "The Charitable Trusts Acts, 1853;" 9.

Saving for Established Church; 10.

Certificate of Place of Meeting having been recorded to be given, on Payment of 2*s*. 6*d*.; 11.

Sums received by or on account of Registrar General to be accounted for, and Expenses defrayed as other Expenses of the General Register Office; 12.

To remove Doubts as to Validity of Marriages; 13.

Act not to extend to Scotland or Ireland; 14.

A

BILL

[AS AMENDED IN COMMITEE]

TO

Amend the Law concerning the certifying and registering of Places of Religious Worship in England.

[Note.—*Clause* A *was added in Committee.*]

WHEREAS by an Act of the First Session of the First Year of King William and Queen Mary, Chapter Eighteen, and an Act of the Fifty-second Year of King George the Third, Chapter One hundred and fifty-five, Places of Meeting of Congregations or Assemblies for Religious Worship of Protestants (save as therein excepted with respect to Places of Worship of the Established Church and otherwise) were required to be certified to the Bishop's or Archdeacon's Court, or to the General or Quarter Sessions of the Peace, and to be registered in such Court, and recorded at such Sessions: And whereas by an Act of the Thirty-first Year of King George the Third, Chapter Thirty-two, every Place of Congregation or Assembly for Religious Worship of Persons professing the Roman Catholic Religion is required to be certified to and recorded at the General or Quarter Sessions of the Peace: And whereas by the Two following Acts respectively, that is to say, an Act of the Session holden in the Second and Third Years of King William the Fourth, Chapter One hundred and fifteen, and an Act of the Session holden in the Ninth and Tenth Years of Her Majesty,

Preamble.
1 W. & M. Sess. 1. c. 18.
52 G. 3. c. 155.
31 G. 3. c. 32.
2 & 3 W. 4. c. 115.
9 & 10 Vict. c. 59.

Chapter Fifty-nine, Her Majesty's Subjects professing the Roman Catholic Religion, and Her Majesty's Subjects professing the Jewish Religion, in respect of their Places for Religious Worship, are made subject to the same Laws as Protestant Dissenters: And whereas by an Act passed in the Session holden in the Fifteenth and Sixteenth Years of Her Majesty, Chapter Thirty-six, Places of Meeting of Congregations or Assemblies for Religious Worship of Protestant Dissenters are required to be certified to the Registrar General of Births, Deaths, and Marriages in England, and to be recorded in the General Register Office, in lieu of being certified to and registered and recorded in the Bishop's or Archdeacon's Court, and at the General or Quarter Sessions, as herein-before mentioned: And whereas it is expedient that all Places of Religious Worship, not being Churches or Chapels of the Established Church, should if the Congregation should desire but not otherwise be certified to the said Registrar General: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

15 & 16 Vict. c. 36.

15 & 16 Vict. c. 36, repealed, saving for Places of Worship certified thereunder.

I. The said Act of the Fifteenth and Sixteenth Years of Her Majesty, Chapter Thirty-six, shall be repealed: Provided always, that the certifying thereunder before the *passing of this Act* of any Place of Meeting for Religious Worship shall, subject to the Provisions hereinafter contained, have the same Force and Effect from the Time of such certifying as if the same had been duly certified, registered, and recorded as before the passing of the said Act of the Fifteenth and Sixteenth Years of Her Majesty, Chapter Thirty-six, was required by Law, and such Act and this Act had not been passed.

Places of Worship to be certified to Registrar General.

II. Every Place of Meeting for Religious Worship of Protestant Dissenters or other Protestants, and of Persons professing the Roman Catholic Religion by the said Acts of King William and Queen Mary, the Thirty-first and Fifty-second Years of King George the Third, and the Fifteenth and Sixteenth Years of Her Majesty, Chapter Thirty-six, or any of them, required to be certified and registered or recorded, as therein mentioned, and not heretofore certified and registered or recorded in manner required by Law, and every Place of Meeting for Religious Worship of Persons professing the Jewish Religion, not heretofore certified and registered or recorded as aforesaid, and every Place of Meeting for Religious Worship of any other Body or Denomination of Persons, shall be certified in Writing to the Registrar General of Births, Deaths, and Marriages in England, through the Superintendent Registrar of Births, Deaths, and Marriages of the District in which such Place may

may be situate; and such Certificate shall be in Duplicate, and upon Forms in accordance with Schedule A. to this Act, or to the like Effect, such Forms to be provided by the said Registrar General, and to be obtained (without Payment) upon Application to such Superintendent Registrar as aforesaid; and the said Superintendent Registrar shall, upon the Receipt of such Certificate in Duplicate, forthwith transmit the same to the said Registrar General, who, after having caused the Place of Meeting therein mentioned to be recorded as herein-after directed, shall return One of the said Certificates to the said Superintendent Registrar, to be re-delivered by him to the certifying Party, and shall keep the other Certificate with the Records of the General Register Office.

Places of Meeting to be recorded.

III. The said Registrar General shall cause all Places of Meeting for Religious Worship certified to him under this Act to be recorded in a Book to be kept by him for that Purpose at the General Register Office, and no such Place of Meeting as aforesaid shall be certified to or registered in any Court of any Bishop or Archdeacon, or be certified to or recorded at any General or Quarter Sessions; and the certifying to the said Registrar General of any such Place of Meeting for Religious Worship of Protestant Dissenters or other Protestants or Roman Catholics, or Persons professing the Jewish Religion, and of any Place of Meeting for Religious Worship of any other Body or Denomination of Persons, shall, subject to the Provisions herein contained, have the same Force and Effect as if such Place had been duly certified and recorded or registered and recorded as before the passing of the said Act of the Fifteenth and Sixteenth Years of Her Majesty, Chapter Thirty-six, was required by Law, and such Act and this Act had not been passed.

Places of Meeting already certified, save those certified under 15 & 16 Vict. c. 36. certified to Registrar General may be recorded by him.

IV. Any Place of Meeting for Religious Worship heretofore certified and registered or recorded in manner required by Law, and which continues to be used for Religious Worship, save any such Place of Meeting certified to the said Registrar General under the said Act of the Fifteenth and Sixteenth Years of Her Majesty, Chapter Thirty-six, may, at any time after the passing of this Act, be certified in Writing to such Registrar General through the Superintendent Registrar of the District in which such Place may be situate, and shall be recorded by such Registrar General in manner herein-before mentioned concerning Places of Meeting not heretofore certified and registered or recorded.

Fee of 2*s.* 6*d.* to be paid with Certificate to Superin-

V. Upon the Delivery of every Certificate to the Superintendent Registrar for Transmission to the Registrar General for the Purpose of being recorded under this Act, the Person delivering the same shall

tendent Registrar.

shall pay to such Superintendent Registrar for his own Use the Sum of Two Shillings and Sixpence, and it shall not be lawful to demand or take any greater Fee or Reward for the same respectively.

Notice to be given to Registrar General of every Place of Meeting becoming disused for the Purposes for which it was certified.

VI. Whenever any Place of Meeting for Religious Worship which may have been certified under the said Act of the Fifteenth and Sixteenth Years of Her Majesty, Chapter Thirty-six, or this Act, shall have wholly ceased to be used as a Place of Meeting for Religious Worship, the Person or One of the Persons who so certified or last certified the same (as the Case may be), or the Trustee or One of the Trustees for the Time being of such Place of Meeting, or the Owner or Occupier or One of the Owners or Occupiers thereof, shall, if then resident within the Superintendent Registrar's District within which such Place shall be situate, forthwith give Notice to the Registrar General through such Superintendent Registrar that such Place has so ceased to be used as a Place of Meeting for Religious Worship, such Notice to be in a Form in accordance with the Schedule B. to this Act, or to the like Effect, and which Form shall be provided by the said Registrar General, and may be obtained (without Payment) upon Application to the said Superintendent Registrar; and the Person giving such Notice shall sign the same in the Presence of such Superintendent Registrar or of his Deputy, who shall forthwith transmit the same through the General Post to the Registrar General at the General Register Office.

List of certified Places to be printed.

VII. The said Registrar General shall, in the Year One thousand eight hundred and fifty-six, and also at such subsequent Periods as One of Her Majesty's Principal Secretaries of State shall from Time to Time in that Behalf order or direct, make out and cause to be printed a List of all Places of Meeting which have been certified to and recorded by him under the said Act of the Fifteenth and Sixteenth Years of Her Majesty, Chapter Thirty-six, or this Act, and the Record of which has not been cancelled as herein-after provided, and shall state in such List the County and Superintendent Registrar's District within which each of such Places of Meeting is situated, and the Religious Denomination to which the Persons for the Time being certifying it belong, and shall cause a Copy of such List to be sent to every Superintendent Registrar of Births, Deaths, and Marriages in England, and such List shall be open at all reasonable Times to all Persons desirous of inspecting the same, on Payment to such Superintendent Registrar of a Fee of One Shilling.

Direction to the Registrar General to cancel

VIII. Whenever it shall appear to the Satisfaction of the said Registrar General, from any Notice which shall have been given to him as aforesaid or otherwise that any certified Place of Meeting for Religious

Religious Worship has wholly ceased to be used as such, the said Registrar General shall cause the Record of such Certification to be cancelled, and shall give Public Notice of the Cancellation thereof by Advertisement in some Newspaper circulating within the District in which such Place of Meeting is situated, and in the London Gazette, and shall also expunge the Name of such Place from the List of certified Places so to be printed by him as aforesaid; and after such Cancellation and Publication thereof as aforesaid such Place shall cease to be deemed duly certified as by Law required, and shall so remain until it shall have been duly certified afresh under this Act.

Records of Certificates of Places of Worship ceasing to be used as such.

IX. Every Place of Meeting for Religious Worship certified to the said Registrar General under the said Act of the Fifteenth and Sixteenth Years of Her Majesty, Chapter Thirty-six, or this Act, and recorded by him as aforesaid, so long as the same continues to be bonâ fide used as a Place of Religious Worship, and the Record of the Certification thereof has not been cancelled as herein-before is provided, shall be wholly freed and exempted from the Operation of an Act passed in the Session holden in the Sixteenth and Seventeenth Years of Her Majesty Chapter One hundred and thirty-seven, intituled "The Charitable Trusts Act, 1853," and shall not be subject or liable to any of the Provisions of the same Act.

CLAUSE A. Certified Places exempted from the Operation of "The Charitable Trusts Act, 1853."

X. Nothing in this Act shall affect or be construed to affect the Churches or Chapels of the United Church of England and Ireland, or the Celebration of Divine Service according to the Rites and Ceremonies of the said United Church by Ministers of such Church, in any Place hitherto used for such Purpose, or being now or hereafter duly consecrated or licensed by any Archbishop or Bishop or other Person lawfully authorized to consecrate or license the same.

Saving for Established Church.

XI. The Registrar General, on Payment to him of a Fee of Two Shillings and Sixpence, shall, with respect to any Place certified to him as a Place of Meeting for Religious Worship, the Record whereof remains uncancelled, give to any Person demanding the same a Certificate, sealed or stamped with the Seal of the General Register Office, that at the Time or respective Times in such Certificate in that Behalf stated the Place therein described was duly certified and duly recorded as required by this Act, and that at the Date of such sealed or stamped Certificate the Record of such Certification remained uncancelled; and every such sealed or stamped Certificate, if tendered in Evidence upon any Trial or other judicial Proceeding in any Civil or Criminal Court, shall be received as Evidence of the said several Facts therein mentioned, without any further or other Proof of the same.

Certificate of Place having been certified to be given.

Sums received by or on account of Registrar General to be accounted for, and Expenses defrayed as other Expenses of the General Register Office.

XII. All Sums to be received by or on account of the Registrar General in pursuance of this Act shall be accounted for and paid in manner directed by the said Act of the Seventh Year of King William the Fourth, "for registering Births, Deaths, and Marriages in England," with respect to Sums received by him or on his Account under the Provisions of that Act; and all Expenses incurred by the said Registrar General, or by any Superintendent Registrar, or Registrar, with his Sanction and acting under his Direction or Authority, in carrying this Act into execution and making known its Provisions, shall be deemed to have been incurred in carrying on the Business of the General Register Office, and be defrayed accordingly.

To remove Doubts as to Validity of Marriage.

XIII. Notwithstanding the Provisions of this or any other Act all Marriages which heretofore have been or hereafter may be had or solemnized in any Building used as a Place of Religious Worship, but which may not be certified, recorded, or registered as required by the Provisions of this or any other Act, shall be as valid in all respects as if such Place of Worship had been so certified, recorded, and registered.

Act not to extend to Scotland or Ireland.

XIV. This Act shall not extend to Scotland or Ireland.

SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

To the Registrar General of Births, Deaths, and Marriages in England.

Directions for filling up this Schedule.

I the undersigned (*a*) of in the County of do hereby, under and by virtue of an Act passed in the Year of Her Majesty Queen Victoria, intituled "An Act to amend the Law concerning the "certifying and registering of Places of Religious Worship in Eng-"land," certify that a certain Building known by the Name of situated at in the County of within the Superintendent Registrar's District of was used (*b*) as a Place of Meeting for Religious Worship before the 30th Day of June 1832 and is intended to be used as heretofore, (*c*) and will accordingly be forthwith used as a Place of Meeting for Religious Worship by a Congregation or Assembly of Persons calling themselves (*d*)

(*a*) Here insert the Name, Residence, and County in which it is situate, and the Rank or Profession of the Party certifying.

(*b*) If the Place was not so used before 30th June 1832, expunge this and the following Line.

(*c*) If the Building have not been previously used as a Place of Worship, erase the Words "as heretofore."

(*d*) Here insert "Protestant Dissenters," "Independents," "Particular Baptists," "Wesleyan Methodists," "Roman Catholics," "Jews," or other Religious Denomination of, or Religious Appellation adopted by the Persons on whose behalf the Building is certified; but if those Persons decline to describe themselves by any distinctive Appellation erase the Words "calling themselves," and insert "who object "to be registered as "belonging to any "specific Religious "Denomination."

and I request that this Certificate may be recorded in the General Register Office, pursuant to the said Act. Dated this Day of 185 .

(*Signature of the Party certifying.*)

(*e*)

of the Place of Meeting above described.

(*e*) Insert on this Line immediately under the Signature the Word "Minister," "Proprietor," "a Trustee," "Occupier," "an Attendant," or such other Words as will clearly show the Connexion subsisting between the Person certifying and the Place of Meeting.

SCHEDULE B.

To the Registrar General of Births, Deaths, and Marriages in England.

I, the undersigned of in the County of being the Person or One of the Persons who certified or last certified [*or* being "the Trustee," *or* "One of the Trustees," *or* the "Owner," *or* "Occupier," *or* "One of the Owners or Occupiers" (*as the Case may be*), of] a certain Building known by the Name of [*or* a certain Dwelling House, *&c.* (*as the Case may be*)] situate at in the County of within the Superintendent Registrar's District of [and being now resident within the same District], do hereby declare and give you Notice, in pursuance of an Act passed in the Year of Her present Majesty, Chapter that the aforesaid Building [*or* Dwelling House, *&c.*] which was on the Day of 185 recorded by you as a Place of Meeting for Religious Worship by a Congregation or Assembly of Protestant Dissenters from the United Church of England and Ireland, of the Denomination calling themselves [*or* by a Congregation or Assembly of Roman Catholics, *or* of Persons belonging to the Society of Friends, *or* of Persons professing the Jewish Religion (*as the Case may be*)], has wholly ceased to be used as a Place for public Religious Worship. Witness my Hand, this Day of 185 .

Registration.

A

BILL

[AS AMENDED IN COMMITTEE]

To amend the Law concerning the certifying and registering of Places of Religious Worship in England.

(*Prepared and brought in by Mr. Pellatt and Mr. Crossley.*)

Ordered, by The House of Commons, *to be Printed,*
18 *May* 1855.

[Bill 139.]

Under 2 oz.

17 *April* 1855. 18 Vict.

(Scotland.)

A

BILL

FOR

The better Administration of the Poor Law in certain Districts in Scotland.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS an Act was passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled "An "Act for the Amendment and better Administration of "the Laws relating to the Relief of the Poor in Scotland," and it is necessary that in certain remote Districts a more regular Inspection of the Administration of the Law under the recited Act than now prevails should be established: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 8 & 9 Vict. c. 83.

I. One of Her Majesty's Principal Secretaries of State shall from Time to Time appoint as many Special Inspectors as shall be necessary adequately to inspect and inquire into the Condition and Circumstances of the Poor of the several Parishes or Combinations of Parishes in the Counties of Ross, Inverness, Sutherland, Argyle, and Caithness, and the Orkney and Shetland Isles. Special Inspectors in certain Localities appointed.

II. No Person, being a Member of the Board of Supervision, shall be capable of being appointed a Special Inspector; but every such Qualification of Special Inspectors.

Special Inspector shall be a Member of the Faculty of Advocates, or a Writer to Her Majesty's Signet, or a Procurator in any Sheriff Court of not less than *Five* Years standing, or a duly qualified Medical Practitioner of not less than *Five* Years standing; and every Person appointed a Special Inspector shall, before entering upon the Duties of his Office, take an Oath de fideli administratione officii, which may be administered to him by any Member of the Board of Supervision, or any One of the Judges of the Court of Session, or by the Sheriff of any County.

Special Inspectors to visit Parishes.

III. The Board of Supervision may frame Instructions for the Conduct of the Special Inspectors, which, being approved of by the said Secretary of State, shall be issued to such Special Inspectors, who shall execute the same; and such Special Inspectors shall in all Cases, at least once in every Year, at Intervals of not more than *Fourteen* Months, visit the Parishes or Combinations of Parishes to which they shall be respectively appointed in the said Counties, and shall inquire into the Management of the Poor in such Parish or Combinations of Parishes, and for this Purpose each Special Inspector is hereby empowered to make Inquiries and require Answers upon any Question or Matter connected with or relating to the Relief of the Poor, and also by Summons signed by him to require the Attendance of all such Persons as he may think fit to call before him upon any such Question or Matter, and to administer Oaths to and examine upon Oath all such Persons, and to require and enforce the Production on Oath of all Books, Contracts, Agreements, Accounts, and Writings, or Copies thereof respectively, in any way relating to any such Question or Matter, or in lieu of requiring such Oath as aforesaid the Special Inspector may, if he thinks fit, require any such Person to make and subscribe a Declaration of the Truth of the Matters respecting which he shall have been or shall be so examined.

Remuneration of Special Inspectors.

IV. The Amount of the Remuneration to be made to such Special Inspectors shall be fixed by the Commissioners of Her Majesty's Treasury, and shall, together with the Expense attending such additional Inspection, be raised and paid in such and the like Manner as the Remuneration of the Commissioners for conducting special Inquiries under the recited Act is directed to be raised and paid.

Interpreters may be appointed.

V. In any Case in which, from the Prevalence of the Gaelic Language, it may be necessary to interpret between any Special Inspector and any Witness brought before him or other Person interested in his Inquiry, it shall be lawful for such Special Inspector to

to appoint a competent Person to act as Interpreter, and to administer to such Person an Oath to interpret truly; provided that no Person shall be so appointed who then has or has within *Two* Years previous to such Inspection had any Concern with the Administration of the Poor Law of the Parish in which such Interpreter is required; and any Expense attending such Appointment shall be raised and defrayed as the Remuneration and Expense of Special Inspectors are herein-before directed to be raised and defrayed.

Notice of Visits.

VI. Previous to the Week in which the ordinary annual Visit of the Special Inspector is to be made to any Parish or Combination of Parishes, Intimation thereof shall be made by Notice affixed during *Four* preceding Weeks upon the Doors of every Church within the Parish or Combination of Parishes in which such Visit is to take place; and the Special Inspector shall on such Visit execute all the Duties herein-before imposed upon Special Inspectors of the Poor acting in the Execution of this Act.

Special Inspectors to report, and the Reports to be appended to General Report of Board of Supervision.

VII. The Special Inspector shall, within *One* Month after he shall have made any Inspection, report the Result thereof to the Board of Supervision, and the Board of Supervision shall append all such Reports of the Special Inspectors to the General Report of their Proceedings directed by the Eighth Section of the recited Act to be laid before both Houses of Parliament.

Recited Act and this Act to be construed together.

VIII. The recited Act and this Act shall be construed together as One Act.

Poor Law.

(Scotland.)

A

BILL

For the better Administration of the Poor Law in certain Districts in Scotland.

(Prepared and brought in by Mr. Edward Ellice and Mr. Duncan.)

Ordered, by The House of Commons, *to be Printed,* 17 *April* 1855.

[Bill 78.]

Under 1 *oz.*

19 *February* 1855. 18 Vict.

(Ireland.)

A

BILL

TO

Amend the Laws in force for the Relief of the destitute Poor in Ireland; and to amend an Act of the Eleventh Year of Her Majesty, providing for the Execution of the said Laws.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

Preamble.

WHEREAS it is expedient to amend the Laws in force for the Relief of the destitute Poor in Ireland; and to amend an Act of the Eleventh Year of Her Majesty, providing for the Execution of the said Laws: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

10 & 11 Vict. c. 90.

Powers of Commissioners to dissolve Boards of Guardians repealed.

I. That from and after the *passing of this Act* so much of the said Acts in force for the Relief of the destitute Poor in Ireland as authorizes and empowers the Commissioners for administering the Laws for Relief of the Poor in Ireland, to dissolve the Board of Guardians of a Union, and to appoint paid Officers to carry into execution the Provisions of the said Acts, shall be and the same is hereby repealed.

Powers of Commissioners to alter Boundaries repealed.

II. That so much of the said Acts in force for the Relief of the destitute Poor in Ireland as empowers the said Commissioners to alter the Boundaries of any Union or Electoral Division in Ireland shall

shall cease to be of any Force or Effect from and after the *Thirtieth Day of September* in the Year *One thousand eight hundred and fifty-five.*

Lands, &c. heretofore vested in the Commissioners to be vested in Boards of Guardians.

III. That so much of the said Acts and of the said above recited Act providing for the Execution of the Laws for the Relief of the Poor in Ireland as vests in the said Commissioners and their Successors all Lands and Buildings purchased or hired, and conveyed and taken to the said Commissioners under the Provisions of the said Acts be and the same is hereby repealed, and thenceforth all Lands, Tenements, and Hereditaments, and Real and Personal Property heretofore vested in the Commissioners for Purposes connected with the Administration of Relief in any Union shall vest in the Guardians of the Poor of the said Union, without any Conveyance or Transfer thereof other than by the Operation of this Act, and the said Guardians shall for this Purpose, as well as for other Purposes set forth in the said Acts, be deemed a Body Corporate, and shall have perpetual Succession and a Common Seal; provided that all Proceedings commenced and all Contracts and Engagements entered into in the Name of the said Commissioners in relation to the Property of any Union shall be continued and carried on in the Name of the Guardians of the said Union, as if such Proceedings had commenced, or such Contracts and Engagements had been entered into in the Name of the said Guardians; provided also, that the said Guardians shall hold the said Property subject in all respects to the Orders of the said Commissioners, and shall not alter or remove any Part of the said Buildings, nor sell, let, alienate, or in any way demise any Part of the said Property, without the Consent of the said Commissioners, under their Seal, first had and obtained.

Office of Secretary to be abolished.

IV. That so much of the said recited Act providing for the Execution of the Laws for the Relief of the destitute Poor in Ireland as empowers and requires the said Commissioners, subject to the Approval of the Lord Lieutenant, to appoint a Secretary, shall be and and the same is hereby repealed; and from and after the *passing of this Act* the said Office of Secretary shall cease, and all Acts of the said Commissioners, or of any of them, in reference to which the counter Signature of the said Secretary was heretofore required, shall hereafter be valid and of full Force and Effect without such counter Signature.

12 & 13 Vict. c. 104.

V. And whereas by an Act passed in the Thirteenth Year of Her Majesty it was among other Things provided, that it should be lawful for the said Commissioners, if they thought fit, on the Request of the Board of Guardians of any Union, to appoint one fitting and

and proper Person to act as Assistant Guardian for the Union so applying in the Execution of the Duty of Guardian of the Union to which he might be so appointed, in the same Manner in all respects as if such Assistant Guardian were an ex officio or elected Guardian for such Union: And whereas it is expedient to make the Salary of such Assistant Guardian, whenever such an Officer may be appointed, a legal Charge upon the Poor Rates: Be it therefore enacted, That the Salary of such Officer shall in no case exceed, together with Expenses incidental to the Discharge of his Duty, the annual Sum of Five hundred Pounds, and that subject to the said Limitation the Guardians of the Union shall pay to such Assistant Guardian, when appointed, such Salary and Expenses as shall be fixed and approved by the said Commissioners.

Salary of Assistant Guardian not to exceed 500*l.* per Annum.

VI. That from and after the *passing of this Act* so much of the Act passed in the Second Year of Her Majesty, intituled "An Act for the more effectual Relief of the destitute Poor in Ireland," as provides that every Rate made on each Electoral Division shall and may, if any Collector for the Time authorized to collect the County Cess in any Part of such Electoral Division shall be approved of by the Commissioners, and shall give Security to the Satisfaction of the Commissioners, and shall accept such Salary or Allowance as shall be approved by the Commissioners for his Trouble in that Behalf, be levied by such Collector, who shall, so far as relates to the Collection of such Rate, be deemed a paid Officer of the Union within which such Electoral Division shall be situate, shall be and the same is hereby repealed; and from and after the *passing of this Act* it shall and may be lawful for the Guardians of any Union, subject to the Approval of the Commissioners, to appoint from Time to Time such and so many Persons as they may deem expedient to collect and levy the Rates made on the several Electoral Divisions.

1 & 2 Vict. c. 56.

Collector of County Cess not to be entitled to collect Poor Rate. Guardians may appoint proper Collectors.

VII. And whereas Doubts have existed as to the Liability of unoccupied Buildings to be rated in the Rates for the Relief of the Poor, and it is expedient to remove such Doubts: Be it enacted, That from and after the *passing of this Act* the Guardians shall, in making every Rate for the Relief of the destitute Poor, specify the Period for which such Rate is intended to provide, and that when any Building liable to Assessment under the Provisions of the Acts for the Relief of the destitute Poor in Ireland is unoccupied at the Time of making any such Rate on the Electoral Division in which such Building shall be situated, the Board of Guardians shall in every such Case include such Building in the said Rate, describing it in the Column appropriated to the Name of the Occupier as "Untenanted;" and if any Person shall afterwards occupy such Building before the Expiration

Unoccupied Houses to be included in Rate.

Expiration of the Period for which such Rate shall have been made on such Electoral Division, the Guardians shall cause the Name of such Occupier to be inserted in the Rate made next before the Commencement of such Occupation, and shall forthwith alter the Entry in the Collectors Warrant in respect of such Building by inserting therein in lieu of the full Amount of the said Rate a Sum bearing such Proportion to the full Amount of the Rate as the Portion of the Period for which the said Rate was made which is then unexpired bears to the whole of such Period, and every such Person shall thereupon be deemed, to all Intents and Purposes, to be properly rated, and all such Proportions of Rates may be collected and recovered from the Persons liable to pay the same in the same Manner as other Rates may be collected and recovered under the Provisions of the Acts for the Relief of the Poor in Ireland: Provided always, that any Person whose Name is so inserted in such Rate, or the immediate Lessor of such Person (if liable to such Rate), may appeal against such Rate in the same Manner as he might have appealed if named in the said Rate: Provided also, that except as aforesaid no Rate shall be payable by any Person in respect of any unoccupied Building.

Occupier to be liable to the Rate, if Occupation occur before Expiration of such Rate.

Power of Appeal.

VIII. And whereas the Guardians of the Poor of any Union in Ireland are empowered to send any destitute poor Person from the Workhouse of the Union to any Fever Hospital, and to maintain such Person therein, and it is expedient to extend such Power: Be it enacted, That the Guardians of any Union shall be empowered to send any *Inmates of the Workhouse of such* Union to any Hospital the Governor or Governors of which shall be willing and able to receive such Persons, and pay to the Governor or Governors of such Hospital, out of the Rates of the Union, the Cost of the Maintenance in such Hospital of the Persons so sent thereto by the said Guardians as aforesaid; and the entire Cost of the Maintenance of such Persons in such Hospital shall be charged on the Electoral Division or Union at large, according to such Person's Chargeability by Residence, according to the Laws which are or shall be in force for the Administration of Relief to the destitute Poor in Ireland.

Guardians may send Inmates of Workhouses to any Hospital in which the Governors are willing to receive them.

IX. And whereas the Guardians of the Poor of Unions in Ireland are empowered to admit into any Building provided by them for a Fever Hospital, or into any Part of the Workhouse appropriated by them, with the Consent of the Commissioners, for that Purpose, poor Persons affected with Fever or other dangerous contagious Disease, and it is expedient to extend such Power: Be it enacted, That it shall be lawful for the Guardians to admit into the Infirmary of the Workhouse any poor Persons requiring Medical or Surgical Aid in Hospital, and to provide for their Treatment and Maintenance therein, charging the

Guardians may admit into Workhouse any poor Person requiring Medical or Surgical Aid in Hospital.

the Expense thereof on the Electoral Division or Union at large, as the Case may be, according to such Persons Chargeability by Residence under the Laws which are or shall be in force for the Relief of the destitute Poor in Ireland.

Expense of Maintenance to be charged on Electoral Division or Union.

X. Every poor Person who shall be so admitted into the Infirmary of the Workhouse in pursuance of the Authority in that Behalf which is herein-before given, and every poor Person who shall hereafter be admitted into any Building provided by the Guardians of any Union for a Fever Hospital, or into any Part of the Workhouse appropriated as a Fever Hospital, who shall nevertheless be of sufficient Ability to pay the Cost of his or her Maintenance and Treatment while in Hospital, or some Portion of such Cost, shall be required to repay such Proportion thereof as the Board of Guardians shall determine; provided that such Proportion shall in no Case exceed the average of the general Cost of Maintenance and Treatment, excluding the Union Charges, as shall in no Case be less than One Third of such Cost, and all such Sums shall be recoverable from such poor Persons, or from those liable by Law to maintain them, by the same Ways and Means as the Cost of Relief given by way of Loan is recoverable under the Acts in force for the Relief of the destitute Poor in Ireland; and all such Sums or any Part thereof which shall be recovered shall be lodged with the Treasurer of the Union to the Credit of the Electoral Division chargeable for the Maintenance and Treatment of such Poor Person; provided also, that for the Purpose of the Recovery of the Cost of Maintenance and Treatment as aforesaid, every Master or Mistress shall be deemed liable to maintain his or her Servant, as the Case may be.

Poor Persons able to pay Cost of Maintenance to repay proportionate Amount of such Cost.

Master or Mistress liable for Support of Servant.

XI. On the Requisition of any Inspector or Sub-Inspector of Constabulary, or Head Constable in charge of a Station, it shall be lawful for the Board of Guardians to admit into the Workhouse Infirmary or Fever Hospital any Constable or Sub-Constable of the said Force who shall be suffering from Fever or other Disease or bodily Injury requiring Treatment in Hospital; and every such Constable or Sub-Constable shall contribute the full average Cost of daily Maintenance and Treatment in such Hospital for the whole Time of his Continuance therein; and the Amount of such Cost may be recovered by the Guardians of the Union by the same Ways and Means as the Cost of Relief given by way of Loan is recoverable under the Acts in force for the Relief of the destitute Poor in Ireland.

Admission of Constabulary Patients.

XII. And whereas, there is an Hospital at Belfast called the Belfast General Hospital, supported at present by voluntary Subscriptions

Guardians of Belfast Union may apply Rates

in support of Belfast Hospital.

tions only, and it is expedient to provide for the active Maintenance of the said Hospital: Be it enacted, That it shall be lawful for the Guardians of Belfast Union, and they are hereby required to apply to the Maintenance and Support of the Belfast General Hospital the annual Sum of Pounds from the Poor Rates of the whole Union; and the Hospital shall, from and after the passing of this Act, be called the Belfast Union General Hospital.

Managing Body.

XIII. That the Managing Body of the said Hospital shall consist of the existing Life Governors, of the Chairman, Vice Chairman, and Deputy Vice Chairman of the Union and other Guardians, to be selected annually by the Board of Guardians at their First Meeting after the annual Election in every Year; and the said Managing Body is hereby invested with all Powers necessary for the Management of the Institution, the Appointment of Officers, and the fixing of their Salaries, for regulating the Admission of Patients, and making all Contracts, and keeping the Accounts of the Institution; provided that such Accounts shall be annually published in detail for the Information of the Ratepayers, after being certified as correct by such Person as the Board of Guardians shall appoint from Time to Time to audit the said Accounts, which Appointment the said Guardians are hereby empowered to make, and to remunerate such Auditor for the Service of auditing the said Accounts.

Publication of Accounts.

This Act and other Poor Law Acts to be construed into One Act.

XIV. That the several Acts now in force for the Relief of the destitute Poor in Ireland and this Act shall be construed as One Act, except so far as the Provisions of any One of such Acts may alter the Provisions of any previous Act.

Poor Relief.

(Ireland.)

A

BILL

To amend the Laws in force for the Relief of the destitute Poor in Ireland, and to amend an Act of the Eleventh Year of Her Majesty, providing for the Execution of the said Laws.

(Prepared and brought in by Sir John Young and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,* 19 *February* 1855.

[Bill 24.]

Under 1 *oz.*

A

BILL

INTITULED

An Act for regulating the Powers of creating Charges on Land under Private Acts for Drainage and other Improvements.

WHEREAS under several Acts of Parliament, by which Companies have been established or authorized to execute Works of Drainage and other Works for the Improvement of Lands, or to provide Money for the Expenses of the Execution of such Works, the Owners of limited Interests in Land are empowered to charge or cause to be charged the Inheritance thereof with the Repayment of the Principal Money so expended or advanced, and Interest thereon, or with equivalent Rentcharges in respect thereof: And whereas, for the Protection of other Persons interested in Lands which may be charged by the Acts of such Owners of limited Interests, it is expedient that the Exercise of the Powers conferred by such Acts should be regulated as herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. No Charge hereafter to be made on Land by means of the Powers conferred by any such Act as aforesaid, or by any Act (not being Charges on Land not to be valid unless made

upon the Certificate of the Inclosure Commissioners, and limited in Duration according to this Act.

being a Public General Act) under which Charges are authorized to be made on Land in respect of Works of Improvement executed at the Request of Owners of limited Interests therein, shall in anywise affect any Estate or Interest in such Land, other than the Estate or Interest of the Person by whom or upon or in consequence of whose Application or Request such Charge shall have been made, unless the Inclosure Commissioners, by a Certificate under their Seal, certify that the Sum specified in such Order, and in respect of which such Charge is made, has been expended in durable Works for the Improvement of such Land to their Satisfaction, nor unless the Duration of such Charge be limited in manner herein-after mentioned.

Charge to be by Annuity or periodical Payment for not more than 25 Years.

II. Every such Charge shall be by way of Annuity or other periodical Payment of equal Sums in each Year, and the Duration of such Annuity or periodical Payment shall not exceed Twenty-five Years from the Time of the Completion of the Works in respect of which the Charge is made.

Tenants for Life, &c. to pay the Sums which become due during their Ownership.

III. Every Owner by whom or upon or in consequence of whose Application or Request a Charge shall after the passing of this Act have been made by means of any of the said Powers, and every succeeding Tenant for Life, and other Person having a limited Interest in the Land charged, shall, as between such Person and the Persons in remainder or reversion, be bound to pay the yearly or other periodical Payments of such Charge which become payable during the Continuance of his Interest, and, in case he be in the actual Occupation of or entitled to an apportioned Part of the Rents and Profits of such Land up to the Time of the Termination of his Interest, shall also be bound to pay an apportioned Part of the yearly or other periodical Payment of such Charge which becomes due next after the Termination of his Interest, proportioned to the Time which elapsed between the Day for the previous Payment and the Day of such Termination: Provided always, that any such Person entitled in remainder or reversion, and becoming entitled in possession, shall not be liable to pay nor shall his Estate or Interest be chargeable with any Arrears of the Charge remaining unpaid at the Time of his Estate or Interest in remainder or reversion becoming an Estate or Interest in possession exceeding the Amount of One Year's Payment of such Charge: Provided also, that the Amount paid by such Person in respect of such Arrears, and any Costs occasioned by Nonpayment thereof, shall be a Debt from the Person who in the first instance ought to have paid the same, or from his Estate to the Person who paid the same, and shall be recoverable accordingly.

Reversioner not to be chargeable with more than One Year's Arrears.

Powers under Improvement Acts Regulation.

A

BILL

INTITULED

An Act for regulating the Powers of creating Charges on Land under Private Acts for Drainage and other Improvements.

(*Brought from the Lords* 13 *July* 1855.)

Ordered, by The House of Commons, *to be Printed*, 16 *July* 1855.

[Bill 250.]

Under 1 *oz.*

12 *March* 1855. 18 VICT.

A

BILL

TO

Relieve William Philip Price, Esquire, One of the Members for the City of Gloucester, from Disabilities, Penalties, and Forfeitures which he may have incurred by reason of a certain Contract entered into for the Public Service.

WHEREAS in the Month of November One thousand eight hundred and fifty-four a Contract was entered into for the Supply of Portable Houses for the Use of Her Majesty's Forces serving in the Crimea, by or on the Part of Her Majesty's Government, with Mr. Richard Potter, then carrying on Business at Gloucester in Copartnership with William Philip Price, Esquire, One of the Members serving in Parliament for the City of Gloucester, and Mr. Charles Walker, under the Name and Firm of Price and Company, and it was intended that such Contract should be made with the said Richard Potter alone and on his own Account, but the same having been inadvertently made by and with him under the said Name of Price and Company, Doubts have been entertained whether the said William Philip Price and the said other Persons constituting the Firm of Price and Company may not respectively have incurred

Preamble.

or

or become subject to certain Penalties, Forfeitures, and Disabilities under the Provisions of the Act of the Twenty-second Year of King George the Third, Chapter Forty-five: And whereas the said Contract was entered into by the said Richard Potter for the Public Service, and not with a View to Profit, and the said William Philip Price did not in fact participate in the Benefits, if any, derived therefrom, and it is therefore just and expedient that he should be relieved from and indemnified against all Penalties, Forfeitures, and Disabilities which may have been or might be incurred by him by reason of the said Contract having been so entered into: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said William Philip Price is hereby declared to be indemnified freed, and discharged from and against all Disabilities, Incapacities, Penalties, and Forfeitures incurred or to be incurred for or by reason of the said Contract or the Execution thereof, and shall be and is hereby declared to be fully and actually recapacitated and restored to the same State and Condition as before the said Contract was entered into.

Mr. Price indemnified and freed from Disabilities occasioned by the Contract.

Price's Indemnity.

A

B I L L

To relieve William Philip Price, Esquire, One of the Members for the City of Gloucester, from Disabilities, Penalties, and Forfeitures which he may have incurred by reason of a certain Contract entered into for the Public Service.

(*Prepared and brought in by Mr. Solicitor General and Mr. Attorney General.*)

Ordered, by The House of Commons, *to be Printed*, 12 *March* 1855.

[Bill 54.]

Under 1 *oz.*

The Public Health Bill, 1855.

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119. Parts of District may be separately assessed	11 & 12 Vict. c. 63. s. 89.
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123. Money may be borrowed at lower Rates of Interest to pay off Securities bearing a higher Rate	11& 12 Vict. c. 63. s. 109.
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126. Mortgagees not to have Priority	
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SCHEDULE.

A

B I L L

TO

Alter and amend "The Public Health Act, 1848."

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS it is expedient that further Provisions should be made for improving the Condition of Towns and other Places in England and Wales: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say, Preamble.

Preliminary.

1. This Act may be cited for all Purposes as "The Public Health Act, 1855." Short Title of Act.

2. In the Construction and for the Purposes of this Act (if not inconsistent with the Context or Subject Matter) the following Terms shall have the respective Meanings herein-after assigned to them; that is to say, Interpretation of certain Terms in this Act.

The Word "Lands" shall include Messuages, Buildings, Lands, and Hereditaments of any Tenure: "Lands:"

"Owner:" The Word "Owner" shall mean the Person for the Time being receiving the Rackrent of the Lands in connexion with which the said Word is used, whether on his own Account or as an Agent or Trustee for any other Person, or who would so receive the same if such Lands were let at a Rackrent:

"Rackrent:" The Expression "Rackrent" shall mean Rent which is not less than *Two Thirds* of the full net annual Value of the Property out of which the Rent arises: and the full net annual Value shall be taken to be the Rent at which the Property might reasonably be expected to let from Year to Year, free from all usual Tenant's Rates and Taxes, and Tithe Commutation Rentcharge (if any), and deducting therefrom the probable average annual Cost of the Repairs, Insurance, and other Expenses (if any) necessary to maintain the same in a State to command such Rent:

"Commissioners of the Treasury:" The Expression "Commissioners of Her Majesty's Treasury" shall mean the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the Time being, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of Great Britain and Ireland for the Time being:

Superior Courts:" The Expression "Superior Courts" shall include Her Majesty's Superior Courts of Record at Westminster, and the Court of Common Pleas of the County Palatine of Lancaster and the Court of Pleas of the County of Durham:

"Justice:" The Word "Justice" shall mean any Justice of the Peace acting for the Place in which the Matter or any Part of the Matter, as the Case may be, requiring the Cognizance of the "Justice," arises:

"Two Justices:" The Expression "Two Justices" shall mean Two or more Justices assembled and acting together in Petty Sessions, or One Stipendiary or Police Magistrate acting in any Police Court, for the Place in which the Matter or any Part of the Matter, as the Case may be, requiring the Cognizance of "Two Justices," arises:

"Court of Quarter Sessions:" The Expression "Court of Quarter Sessions" shall mean the Court of General or Quarter Sessions of the Peace having Jurisdiction over the whole or any Part of the District or Place, as the Case may be, in which the Matter requiring the Cognizance of the "Court of General or Quarter Sessions" arises:

"Arbitrators:" The Word "Arbitrators" shall include a single Arbitrator; and the Words "Arbitrators" and "Arbitrator" shall include an Umpire:

"Public Local Act." The Term "Public Local Act" shall mean any Act having relation to any of the Purposes of this Act, and not being an Act conferring Privileges on Companies for the Benefit of the Share-

Shareholders therein, including an Act passed in the Fourth Year of the Reign of His late Majesty King William the Fourth, Chapter Ninety, and intituled "An Act to repeal an Act of the "Eleventh Year of His late Majesty King George the Fourth, "for the lighting and watching of Parishes in England and "Wales, and to make other Provisions in lieu thereof:"

"Private Local Act."

The Term "Private Local Act" shall mean any Act having relation to any of the Purposes of this Act, and conferring Privileges on Companies for the Benefit of Shareholders therein:

Definition of the Term "prescribed."

The Term "prescribed," as herein-after used in reference to any Matter herein stated, shall be construed, in Cases where this Act is applied by Provisional Order, to refer to such Matter as the same is prescribed by such Provisional Order; and the Sentence in which such Term occurs shall be construed as if, instead of the Term "prescribed," the Expression prescribed for that Purpose in such Provisional Order as aforesaid had been used:

"Street:"

The Word "Street" shall apply to and include any Highway (not being a Turnpike Road), and any Road, public Bridge (not being a County Bridge), Lane, Footway, Square, Court, Alley, Passage, whether a Thoroughfare or not:

"House:"

The Word "House" shall include Schools, Factories, and other Buildings in which more than Twenty Persons are employed at One Time:

"Drain:"

The Word "Drain" shall mean any Drain of and used for the Drainage of One Building only, or Premises within the same Curtilage, and made merely for the Purpose of communicating therefrom with a Cesspool or other like Receptacle for Drainage, or with a Sewer into which the Drainage of Two or more Buildings or Premises occupied by different Persons is conveyed:

"Sewer:"

The Word "Sewer" shall mean and include Sewers and Drains of every Description, except Drains to which the Word "Drain" interpreted as aforesaid applies:

"Slaughter-house:"

The Term "Slaughter-house" shall mean and include the Buildings and Places commonly called Slaughter-houses and Knackers Yards, and any Building or Place used for slaughtering Cattle, Horses, or Animals of any Description, for Sale:

"Waterworks Company:"

The Expression "Waterworks Company" shall mean any Corporation, Person, or Company of Persons supplying or who may hereafter supply Water for their own Profit:

"Waterworks:"

The Term "Waterworks" shall include Streams, Springs, Wells, Pumps, Reservoirs, Cisterns, Tanks, Aqueducts, Cuts, Sluices, Mains, Pipes, Culverts, Engines, and all Machinery, Lands, Buildings,

ings, and Things for supplying or used for supplying Water, also the Stock in Trade of any Waterworks Company:

"The Local Board of Health:" The Expression "the Local Board of Health" shall mean the Persons authorized to execute in each District all or any of the Powers, Authorities, and Duties vested in or imposed upon the Local Board of Health by this Act:

"The Clerk," &c. The Expression "the Officer of Health," "the Clerk," "the Treasurer," "the Surveyor," "the Inspector of Nuisances," shall mean the Persons respectively appointed to be or authorized to execute the Offices of the Officers of Health, Clerk, Treasurer, Surveyor, and Inspector of Nuisances respectively in each District for the Purposes of this Act.

Division of Act. 3. This Act shall be divided into Four Parts:

The First Part relating to the General Board of Health, their Constitution and Powers;

The Second Part relating to the Adoption and Application of the Act, and the Constitution of local Authorities;

The Third Part relating to the Powers and Duties of local Authorities;

The Fourth Part relating to the Repeal of former Acts.

PART I.

General Board of Health, their Constitution and Powers.

Constitution of General Board of Health. 17 & 18 Vict. c. 95. s. 2. 4. The existing General Board of Health, herein-after called "the General Board," shall be continued, and Her Majesty may, from Time to Time, by Warrant under the Royal Sign Manual, appoint a Person to be, during Her Majesty's Pleasure, President of the General Board; and such President and Her Majesty's Principal Secretaries of State for the Time being, and the President and Vice-President for the Time being of the Committee of Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations, shall constitute and be the General Board; and during any Vacancy in the said Board the continuing Members thereof may act as if no Vacancy had occurred.

Salary of President of General Board. 17 & 18 Vict. c. 95. s. 3. 5. There shall be paid to the President of the General Board under this Act such Salary, not exceeding *Two thousand Pounds* per Annum, as may be from Time to Time appointed by the Commissioners of Her Majesty's Treasury, but no Salary shall be paid to any other Member of the said Board; and such President shall be capable of being elected and of sitting and voting as a Member of the House of Commons.

6. The

Board to appoint Officers. 17 & 18 Vict. c. 95. s. 4.

6. The General Board may appoint from Time to Time a Secretary and Assistant Secretary, and such Clerks and Officers of the said Board, and also so many Superintending Inspectors under such Board, as the Commissioners of Her Majesty's Treasury may think fit; and any such Secretary, Assistant Secretary, Clerk, or Officer, and any such Superintending Inspector, may be removed by the said Board.

Treasury to fix Salaries. 17 & 18 Vict. c. 95. s. 5.

7. There shall be paid to the said Secretary, Assistant Secretary, Clerks, Officers, and Superintending Inspectors such Salaries as may from Time to Time be appointed by the Commissioners of Her Majesty's Treasury.

Allowances to Superintending Inspectors. 17 & 18 Vict. c. 95. s. 5.

8. In the case of any Superintending Inspector, the Commissioners of Her Majesty's Treasury may allow, in addition to his Salary, such reasonable travelling and other Expenses as may be incurred by him in the Performance of the Duties of his Office.

All Powers, &c. vested in Board may be exercised by the President or any Two Members. 17 & 18 Vict. c. 95. s. 6.

9. All Powers and Duties vested in the General Board, or which may be hereafter vested in such Board, may be exercised and performed by the President for the Time being of such Board alone, or by any Two or more Members thereof; and all Documents or Copies of Documents purporting to proceed from such Board, and to be signed by the President or any Two or more of the Members of such Board, and to be sealed or stamped with the Seal of the General Board, shall be received as primâ facie Evidence in all Courts or Places whatsoever.

Salaries, &c. to be paid out of Monies to be provided by Parliament. 17 & 18 Vict. c. 95. s. 10.

10. All Salaries payable under the First Part of this Act, and all incidental Expenses of the General Board, shall be paid out of such Monies as may be provided by Parliament.

Duration of General Board.

11. The General Board shall continue for the Period of *Two* Years only next ensuing the Date of the passing of this Act, and from thenceforth until the Expiration of the next Session of Parliament.

PART II.

Adoption and Application of Act.

Interpretation of certain Terms in Second Part of Act.

12. In the Construction of the Second Part of this Act (if not inconsistent with the Context or Subject Matter),

"Place:" The Term "Place" shall mean any Corporate Borough, District, constituted in pursuance of the Public Health Act, 1848, City, Town, Parish, Township, or other Place having a known and defined Boundary:

"District." The Term "District" shall mean any Locality whatever to which this Act is applied by Provisional Order.

Adoption and Application of Act.

13. This Act may be adopted,—

By any Place either throughout its whole Extent or as to any Part thereof:

And may, by such Provisional Order as herein-after mentioned, be applied to a District consisting of,

Any Place or Part of a Place; or,

Of a Union of Two or more Places; or,

Of a Union of a Part of a Place with any Place or Places, or with a Part or Parts of any Place or Places;

But no such Adoption or Application shall be made (except an Application in Cases where the Deaths in any Place are in such excess as is herein-after expressed,) unless the Ratepayers of such Place or District give their Consent, in manner herein-after mentioned, to such Adoption or Application.

Definition of "Ratepayer." 1 & 2 W. 4. c. 60. s. 7. 11 & 12 Vict. c. 63. s. 20.

14. No Person shall, for the Purpose of doing any Act or enjoying any Privilege within any Place or District, in pursuance of the Provisions herein-after contained, be deemed to be a Ratepayer, unless he has been rated to the Relief of the Poor of such Place or District, or of some Parish within the same, for the Year immediately preceding the doing of such Act or Enjoyment of such Privilege, and has paid all Parochial Rates, Taxes, and Assessments, including, in Cases where this Act or the Public Health Act, 1848, is in force within the Place or District, all Rates and Charges payable thereunder, and due from him at the Time of his requiring to do such Act or enjoy such Privilege, with the Exception of any such Rates, Taxes, Assessments, and Charges as may have accrued due within the *Six* Months immediately preceding.

15. In

Provisions as to Corporations, &c. voting as Ratepayers.

15. In Cases where a Corporation Aggregate, a Joint Stock or other Company, or any Body of Proprietors or Undertakers, is rated to the Relief of the Poor in respect of any Property belonging to them, such Corporation, Company, Body of Proprietors or Undertakers respectively, shall be deemed to be One Ratepayer for the Purpose of doing any Act or enjoying any Privilege under the Provisions herein contained, and may vote by Proxy, appointed in Writing under the Common Seal in case of a Corporation, or in any other Case under the Hands of *Three* Directors or other Persons in the Direction or Management of the Company or Concern; but no Member of such Corporation, nor Proprietor or Person interested in such Company or Concern, shall be entitled to act individually as a Ratepayer in respect of such Property.

Adoption of Act.

Rules as to obtaining Consent of Ratepayers of Places to Adoption of Act.

16. The following Rules shall be observed with respect to obtaining the Consent of the Ratepayers of any Place to the Adoption of this Act; (that is to say,)

(1.) Any Number not less than *Ten* of the Ratepayers of such Place may by Writing under their Hands, in the Form marked A. in the Schedule hereto, make an Application to such Officer as is herein-after named as the Summoning Officer, requiring him to call a Meeting of the Ratepayers of the Place, for the Purpose of taking into consideration the Adoption of this Act:

(2.) Upon the Receipt of such Application the Summoning Officer shall fix a Time and Spot for holding such Meeting, but the Time so fixed shall not be less than *Ten* Days nor more than *Twenty-one* Days from the Receipt by him of the Application:

(3.) The Summoning Officer shall forthwith give Notice of the Time and Spot so fixed,

By Advertisement in some One or more of the Newspapers published in the County in which such Place is situate:

By causing such Notice to be affixed to the principal Doors of every Church and Chapel in the Place:

(4.) The Notice so given shall be in the Form marked B. in the Schedule hereto:

(5.) The following Persons shall be Summoning Officers,—

In Corporate Boroughs the Mayor:

In Districts constituted under or in pursuance of the Public Health Act, 1848, the Chairman of the Local Board of Health:

In Towns, the Commissioners, Trustees, or other Persons exercising Jurisdiction under any Public Local Act, or One or more of such Commissioners, Trustees, or other Persons:

In Parishes the Churchwardens or One of them:

In Townships and other Places separately rated to the Relief of the Poor, but not having Churchwardens, the Overseers or One of them:

And if there is no such Officer in any of the foregoing Places, or if he neglects, is unable, or refuses to perform the Duties hereby imposed on him, the General Board may, upon the Requisition of any *Five* Ratepayers, appoint a Person to act as Summoning Officer:

(6.) The Meeting, on its assembling together, shall choose One of its Number as Chairman: The Person so chosen shall preside and regulate the Proceedings at such Meeting, and may, with the Consent of a Majority of the Persons present, adjourn the same from Day to Day:

(7.) The Chairman shall propose to the Meeting the Adoption of the Act; and any Resolution passed by the Meeting shall express, if in the Affirmative, the Consent to, and if in the Negative the Dissent of, the Ratepayers from, the Adoption of this Act:

(8.) If no Poll is demanded, a Declaration by the Chairman that a Resolution has been carried shall be sufficient Evidence of the Fact, without Proof of the Number or Proportion of the Votes recorded in favour or against the same:

(9.) If a Poll is demanded, the Chairman shall direct the same to be taken at such Spot or Spots, and within such Period, not exceeding *Two* clear Days from the Day of the Meeting, as he may determine, and he shall at the same Time adjourn the Meeting to some Day not more than *Four* clear Days after the Day appointed for the taking of the Poll:

(10.) The Chairman shall appoint such Number of Polling Clerks as he deems sufficient, and cause proper Polling Books to be provided:

10 Vict. c. 16. s. 27.

(11.) The Chairman may summon the Overseers or Inspectors of the Poor, Collectors, and other Officers employed in the Assessment or Collection of the Rates, to attend the Poll, in

in order to assist in ascertaining that the Persons presenting themselves to vote or who have voted are or were duly qualified to vote at such Poll; and such Overseers or Inspectors, Rate Collectors, or other Officers shall attend, with the Rate Books and such other Documents necessary for the Purpose aforesaid as may be in their Custody or Power, at such Places and at such Times as the Chairman may direct, and shall answer all such Questions as the Chairman or any Poll Clerk may put to them respecting the Title of any Person to vote; and any Overseer or Inspector, Rate Collector, or other Officer who wilfully neglects or fails to perform the Duties hereby imposed upon him shall for such Neglect or Failure be liable to a Penalty not exceeding *Twenty Pounds:*

(12.) The Poll shall be opened at *Nine* o'Clock in the Forenoon of the appointed Day, and shall close at *Four* o'Clock in the Afternoon of the same Day, except in the Case of Disturbance or Riot, when the closing of the same may be fixed to take place at such Time as the Chairman directs:

(13.) The Poll at any Place of Voting may be closed at any Time before *Four* of the Clock, if One Hour has elapsed during which no Voting Paper has been tendered at such Place of Voting:

(14.) The Chairman shall cause to be entered in the Polling Books the Name and Address of every Ratepayer voting for or against the Adoption of the Act, and the Manner in which he votes:

(15.) The Chairman or any Poll Clerk appointed by him may, if he thinks fit, and shall, if required to do so by any Ratepayer present, put to any Person applying to vote the following Questions or either of them:

(a) Are you the Person assessed as A.B. in the Rate (specifying the Rate) in respect of Property described as (specify the Description)?

(b) Have you already voted at this Poll?

And no Person of whom such Questions or either of them are or is asked shall vote until he has answered the same; and any Person wilfully making a false Answer to either of the said Questions shall be deemed guilty of a Misdemeanor.

(16.) At the Close of the Poll the Chairman shall sum up the Votes, and openly declare, at such adjourned Meeting as aforesaid, whether a Majority have voted in favour of or against the Adoption of the Act, and the Majority so

declared shall be considered as expressing the Consent of the Ratepayers to or their Dissent from the Adoption of the Act:

(17.) If at such adjourned Meeting as aforesaid any Ratepayer present demands a Scrutiny, and finds Security, to the Satisfaction of the Chairman, for the Reimbursement of the Expenses attending the same, such Chairman shall proceed to make the same in such Way as he thinks fit, and shall report the Result to a Second adjourned Meeting, to be appointed by him for a Day not later than the *Third* Day after such First adjourned Meeting:

(18.) The Chairman shall decide all Questions arising upon such Scrutiny:

(19.) The Result of such Scrutiny, when so declared as aforesaid, or, if no Scrutiny is demanded, the Result of the Poll as originally declared, shall be conclusive:

(20.) The Party demanding the Scrutiny shall in any Event pay the Expenses attending the same.

Rules as to Adoption of Act by Parts of Places.

17. The following Rules shall be observed with respect to the Adoption of this Act by Parts of Places:

(1.) Any Place may, with such Consent as aforesaid of the Ratepayers, be divided into any Part or Parts, for the Purpose of adopting the Provisions of this Act, in any One or more of such Parts, to the Exclusion of the rest:

(2.) In Cases where the Limits of a Place include One or more lesser Places, which, if not included within such Limits, might have separately adopted this Act, such lesser Places shall for the Purposes of this Act be deemed to be merged in the greater Place within the Limits of which they are situate, unless the greater Place has previously refused to adopt this Act, in which Case the lesser Place may adopt this Act, in the same Manner as if it were not included within the Limits of a greater Place:

(3.) In Cases where any Part of a Place, not being of itself such a Place as is authorized to adopt this Act, is desirous of having this Act applied to it, then, if the Place to which such Part belongs has refused to adopt this Act, but not otherwise, a Petition may be presented by or on behalf of such Part to the General Board, and thereupon this Act may be applied to such Part, in manner herein-after mentioned.

Notice of Adoption of Act.

18. In any Case where the Ratepayers of a Place have consented in manner aforesaid to adopt this Act, the Summoning Officer shall give

give Notice of such Consent having been given, to the General Board by Writing under his Hand, and shall publish the same in manner following:

By Advertisement in the London Gazette, and in some One or more of the Newspapers published in the County in which such Place is situate:

By causing a Copy of such Notice to be affixed to the principal Doors of every Church and Chapel in such Place:

And such Notice shall be in the Form marked C. in the Schedule hereto.

Effect of Consent by Place to Adoption of Act.

19. Whenever the Ratepayers of a Place have in manner aforesaid consented to the Adoption of this Act, the same shall, within *One Month* from the Date of the Consent having been so given, have the Force of Law within such Place, and such Act shall be considered to have been adopted by such Place from the Expiration of such last-mentioned Month.

Rules as to Alteration of Boundaries.

20. For the Purposes of this Act, adjoining Places may alter their respective Boundaries, subject to the Regulations herein-after mentioned; that is to say,

(1.) A Plan shall be made, setting forth such new Boundaries, with a sufficient Description; and the Consent of the Ratepayers of each Place whose Boundaries are intended to be altered to the Alterations shown in such Plan shall be obtained in the same Manner in which the Consent of the Ratepayers of any Place to the Adoption of this Act is herein-before required to be obtained:

(2.) Notice of such Alteration of Boundaries shall be given in the same Manner in which Notice is herein-before required to be given of the Adoption of this Act by any Place:

And, upon Compliance with the Provisions of this Section, any Place mentioned in any such Plan shall for the Purposes of this Act be considered as bounded in manner specified in such Plan.

Effect of Adoption of Act by Corporate Boroughs.

21. Upon the Adoption of this Act by any Place, being a Corporate Borough or other Corporate Place,—

(1.) The Duty of carrying into effect the Provisions herein contained shall be vested in the Council of such Borough or Place; and all Powers, Privileges, and Obligations vested in or imposed on any Commissioners, Trustees, Inspectors, or other like Authorities, by any Public Local Act in force within such Borough, shall be transferred to and vested in the Council of such Borough or Place; and all Powers, Rights, Privileges, and Obligations hereby vested in or imposed on Local Improvement Boards shall be vested in and imposed on the Council of

of the Borough or Place; and such Council shall exercise all such Powers, Rights, and Privileges, and perform such Obligations, according to the Laws for the Time being in force with respect to Municipal Corporations in England and Wales:

(2.) If such Borough or Place has already been constituted a District under the Public Health Act, 1848, the Provisions of this Act shall be considered as substituted for the Provisions of the said Public Health Act, 1848, and of any Order in Council or Provisional Order made in pursuance thereof, and the Council of such Borough or Place shall no longer bear the Title of the "Local Board of Health," but such Substitution shall not affect any Right already existing or accrued, or any Remedy for enforcing the same.

Adoption of Act by District constituted under Public Health Act, 1848.

22. Upon the Adoption of this Act by any Locality already constituted a District under or in pursuance of the Public Health Act, 1848, and not being a Corporate Borough, the following Consequences shall ensue:

(1.) The Local Board of Health shall possess and perform all Powers, Rights, Privileges, and Obligations hereby vested in or imposed on Local Boards of Health, but the Constitution of and Manner of choosing such first-mentioned Local Board shall continue as heretofore:

(2.) The Provisions of this Act shall, subject as aforesaid, be considered as substituted for the Provisions of the said Public Health Act, 1848, and of any Order in Council or Provisional Order made in pursuance thereof, but such Substitution shall not affect any Right already existing or accrued, or any Remedy for enforcing the same.

Effect of Adoption of Act by any other Place.

23. Upon the Adoption of this Act by any Place, not being a Corporate Borough, and not having been already constituted a District under or in pursuance of the Public Health Act, 1848,—

(1.) There shall, for the Purpose of carrying into effect the Provisions herein contained, be elected, in manner herein-after mentioned, a Board to be called "The Local Board of Health:"

(2.) All Powers, Privileges, and Obligations vested in or imposed on any Commissioners, Trustees, Inspectors, or Authorities by any Public Local Act in force within such Place shall be transferred to and vested in such Local Board of Health.

24. Upon

Repeal of Public Local Acts.

24. Upon the Adoption of this Act by any Place whatever, all Provisions contained in any Public Local Acts in force within such Place, that are inconsistent with the Provisions of this Act, shall be repealed, but such Repeal shall not affect any Rights already existing or accrued, or any Remedy for enforcing the same.

Rules as to Objections.

25. No Objection shall be made at any Trial or in any legal Proceeding as to the Validity of the Adoption of this Act, or of any Alteration made by any Place in its Boundaries, unless the Objector has given previous Notice to the other Parties interested in such Trial or Proceeding of his Intention to make the same, specifying fully the Nature of the Objection to be made; and no Objection whatever to such Validity shall be admissible at any Trial or in any legal Proceeding after the Expiration of *Three* Months from the Time of the Adoption of this Act or of such Alteration of Boundaries by any Place.

Evidence.

26 The Adoption of this Act may be proved at any Trial or in any legal Proceeding,—

By a printed Paper purporting to be the London Gazette, and containing a Notice to the Effect that the Ratepayers of such Place have consented to the Adoption of this Act; or

By the Evidence of any Person or Persons cognizant of the Fact of such Adoption; and

the Alteration of Boundaries by any Place may be proved by the Evidence of any Person or Persons cognizant of the Fact of such Alteration.

Act may be applied by Provisional Order instead being adopted.

27. If any Place hereby empowered to adopt this Act is desirous, for the Purpose of reconciling the Provisions of this Act with any Local Act in force within such Place, or for the Purpose of making Provision for any other Matter or Thing, that this Act should be applied to such Place by Provisional Order, instead of being adopted in manner aforesaid, it shall be lawful for a Petition to be presented to the General Board by such Place, and thereupon for this Act to be applied by Provisional Order in manner herein-after mentioned.

Expenses of Adoption of Act. 13 & 14 Vict. c. 33.

28. In Cases where this Act is adopted by any Place, all Expenses incurred in relation to the Adoption thereof shall be defrayed out of the General District Rate to be levied in manner herein-after mentioned; but if such Act is not adopted by such Place all such Expenses as aforesaid shall be borne by the Ratepayers who

who made the Application to the Summoning Officer requiring a Meeting to be called, and such Expenses may be recovered by the Persons who have disbursed the same in the summary Manner hereinafter mentioned before any Two Justices of the Peace having Jurisdiction within such Place as aforesaid.

Local Boards of Health (Places).

Constitution of Local Boards. 13 & 14 Vict. c. 33.

29 In Cases where any Place, not being a Borough Corporate, and not having been already constituted a District under or in pursuance of the Public Health Act, 1848, has adopted this Act, there shall be elected a Board to be called "The Local Board of Health," and such Board shall consist of such Number of Members as may be determined by a Majority of the Ratepayers present at any such Meeting or adjourned Meeting as herein-before mentioned, or present at any Meeting to be summoned by the Summoning Officer for that Purpose, either before or after the Adoption of this Act, subject to the Provision that such Number shall not be in any Case less than *Nine* or more than *Eighteen*.

Qualification of Members of Local Board.

30. Every Ratepayer shall be qualified to be a Member of a Local Board of any Place who is rated to the Relief of the Poor of such Place, or of some Parish within the same, upon an annual Value of not less than *Fifteen Pounds*.

Rules as to Election of Local Boards.

31. The following Rules shall be observed with respect to the Election of Members of Local Boards of Health:

(1.) The Chairman of the First Meeting held by virtue of this Act shall be the Returning Officer of the First Election of a Local Board of Health, and at all subsequent Elections of such Board the Chairman of the Local Board of Health for the Time being shall be such Returning Officer:

(2.) In case of the Death, Inability, or Refusal to act of any such Chairman as aforesaid of the First Meeting, the General Board may, upon the Application of any *Five* Ratepayers of the Place, and on due Proof made to them of such Death, Inability, or Refusal, appoint any other Person to conduct such First Election as aforesaid; and in case of the Death, Inability, or Refusal to act of any Chairman for the Time being of the Local Board of Health, the Local Board of Health shall appoint some other Member of their Board to conduct in his Stead any subsequent Election:

(3.) For the Purpose of such Election, the Returning Officer shall convene a Meeting of Ratepayers to assemble in the Case of a First

a First Election on a Day not less than *Ten* nor more than *Twenty-one* Days after the Time of the Adoption of this Act, and in all subsequent Elections on the Day next after the Day herein-after appointed for the Retirement of Members of the Local Board:

(4.) The Returning Officer shall give Notice of such Meeting in the same Manner in which the Summoning Officer is herein-before required to give Notice of a First Meeting held by virtue of this Act:

(5.) The Returning Officer shall preside and regulate the Proceedings at such Meeting, and may, with the Consent of a Majority of the Persons present, adjourn the same from Day to Day:

(6.) At any such Meeting as aforesaid any qualified Person may be proposed by any Ratepayer, and seconded by any other Ratepayer, as a Member of the Local Board of Health:

(7.) If more qualified Candidates are proposed than the Number to be elected, a Poll may be demanded; but if not, or if no Poll is demanded, a Declaration by the Chairman that the Candidates are elected Members of the Local Board of Health shall be conclusive Evidence of the Fact:

(8.) The Members of any Local Board of Health shall, as soon as conveniently may be after their First Election, be divided by Ballot into Three Classes, each Class to be as nearly as may be equal in Numbers; and the Offices of the First Class shall be vacated on the Day after the Expiration of the First Year from the Date of their Election, the Offices of the Second Class shall be vacated on the Day after the Expiration of the Second Year from such Date as aforesaid, and the Offices of the Third Class shall be vacated on the Day after the Expiration of the Third Year from such Date as aforesaid; all Members so chosen to fill the vacated Offices shall hold their Offices for the Term of Three Years, and no longer; and in every Instance the Offices of retiring Members shall be supplied by an equal Number of newly elected Members:

(9.) If from any Cause no Election is made on the appointed Day, the Meeting shall stand adjourned until the same Day of the following Week, and so from Time to Time until an Election is made:

(10.) The Members who would upon the appointed Day have retired shall continue Members until others are appointed in their Stead:

(11.) A Member of a Local Board of Health may resign, on giving to such Board *One Month's* previous Notice in Writing of his Intention so to do:

(12.) Any casual Vacancy occurring by Death, Resignation, Disqualification, or otherwise in the Local Board may be filled up by the Local Board of Health of the District out of qualified Persons, but the Member so chosen shall retain his Office so long only as the vacating Member would have retained the same if no Vacancy had occurred:

(13.) Any Person on ceasing to be a Member shall be re-eligible.

Application of Act.

Rules as to obtaining Consent of Ratepayers to Application of Act.

32. The following Rules shall be observed with respect to obtaining the Consent of the Ratepayers to the Application of this Act to a District; (that is to say,)

(1.) A Petition praying for the Application of this Act shall be presented to the General Board by or on behalf of the Ratepayers of the proposed District:

(2.) The Petition shall state as nearly as may be the Boundaries of the proposed District, and shall specify the several Places and Parts of Places forming Part of the proposed District, and shall be in the Form marked D. in the Schedule hereto, or as near thereto as Circumstances permit:

(3.) The Petition shall be subscribed by *One Tenth* of the Ratepayers belonging to such District, and such Subscription shall be verified in such Manner as the General Board requires, and the Statements contained in any such Petition shall be verified in such Manner as the General Board requires.

Power of General Board, on Receipt of Petition.

33. Upon the Receipt of any such Petition as aforesaid, the General Board may, if they think fit, send an Inspector to the proposed District, for the Purpose of making Inquiry—

As to the Genuineness of the Petition;

As to the existing Municipal or Parochial Boundaries;

As to the natural Drainage Areas;

As to the Boundaries which may be most advantageously adopted for the Purposes of this Act;

As to any Public or Private Local Acts in force within any such proposed District or any Part thereof;

As to any other Matter or Thing of which the General Board may require to be informed in reference to the Application of this Act.

Inspector to give not less than Seven Days Notice of

34. Before commencing such Inquiry, the Inspector shall give not less than *Seven* Days Notice of his Intention to make the same, and of a Time and Place at which he will be prepared to hear all Persons desirous

desirous of being heard before him upon the Subject of such Inquiry, in manner following; (that is to say,) such Inquiry by Advertisement, &c.

By Advertisement in some One or more of the public Newspapers published in the County in which the proposed District to which such Inquiry relates is situate:

By causing such Notice to be affixed to the principal Doors of every Church and Chapel within the proposed District:

And as soon as possible after the Completion of such Inquiry he shall report in Writing to the General Board, in such Manner as they may direct, upon the several Matters with respect to which he has been directed to inquire as aforesaid; and the General Board may, if they think fit, publish such Report.

35. The General Board shall, upon the Receipt of such Report, or, if they think fit, without causing any Inquiry to be made, by a Provisional Order under their Seal, proceed to do the following Things:— Power of General Board to make Provisional Order.

To apply this Act or any Part thereof to such proposed District, with Power nevertheless to alter the Boundaries of such District in any Manner they may think fit:

To consolidate and extend and provide for the future Execution of any Public Local Acts that may, upon the Institution of any such Inquiry as aforesaid, be found to be already in force within the proposed District, and to vary or repeal any Enactments therein contained, so far as may be necessary for reconciling the same with this Act, with Power to grant Compensation to any Persons aggrieved by such Consolidation, Alteration, or Repeal.

36. Upon the Completion of such Provisional Order, the General Board shall direct an Inspector to proceed to the proposed District to which such Order relates, for the Purpose of obtaining the Consent thereto of the Ratepayers of such District. Provisional Order to be submitted to proposed District.

37. The Inspector shall, without unnecessary Delay, give Notice of a Meeting of the Ratepayers of such District, to be held at some Place to be specified in such Notice, for the Purpose of determining whether such Provisional Order is consented to or not. Inspector to summon Meeting.

38. The Inspector shall be Chairman of such Meeting; and all the Provisions herein-before contained with reference to a First Meeting held in any Place for the Adoption of this Act, as to the Power of the Chairman, as to the Conduct of the Meeting, as to the passing of Resolutions, and as to the taking a Poll, shall apply to such Meeting, so far as Circumstances permit, with this Variation, that the Inspector shall perform the Duties herein-before required to be performed by the Summoning Officer. Inspector to be Chairman.

Power of General Board to modify Order.

39. The General Board may, with the Consent of the Ratepayers of the proposed District, such Consent to be obtained in the same Manner as is herein-before directed with respect to obtaining their Consent to any Provisional Order, alter or modify any Provisional Order; but no Provisional Order shall be submitted for Confirmation to Parliament unless the Consent of the Ratepayers of the proposed District to which it relates has been previously obtained in manner herein-before mentioned.

General Board to obtain Confirmation of Provisional Order.

40. Whenever the Consent of any proposed District has been given to any such Provisional Order as aforesaid, it shall be the Duty of the General Board, as soon as conveniently may be, to take all necessary Steps for the Confirmation thereof by Act of Parliament, and when so confirmed it shall be deemed to be a Public General Act of Parliament, and to take effect accordingly; but previously to such Confirmation it shall not be of any Validity whatever.

Application of Act by General Board.

Power of General Board to send Inspector to a Place.

41. Under the following Circumstances; (that is to say,)

Where it appears, or can be ascertained from the last Return for the Time being made up by the Registrar General of Births, Marriages, and Deaths, from the Deaths registered in a Period of not less than *Seven* Years, that the Number of Deaths annually in any Place during the Period in respect whereof such Return has been made have on an Average exceeded *Twenty-three* to a Thousand of the Population of such City, Town, Borough, Parish or Place,

The General Board of Health may, if they, in their Discretion, think fit, direct a Superintending Inspector to visit such Place, for the Purpose of making public Inquiry and examining Witnesses as to the following Matters and Things or any of them; (that is to say,)

As to the Sewerage, Drainage, and Supply of Water;

As to the Number and sanitary Condition of the Inhabitants;

As to any Public or Private Local Acts of Parliament in force within such Place;

As to the existing municipal, parochial, or other local Boundaries, if any, and the Boundaries which may be most advantageously adopted for the Purposes of this Act;

As to any other Matter or Thing of which the General Board may require to be informed in reference to the Application of this Act.

Previous Provisions to apply.

42. The Provisions herein-before contained as to the giving of Notice by the Inspector, and as to the Report to be made to the General Board, and as to the Powers of the Inspector, shall be applicable to any Inquiries made in pursuance of the preceding Section.

43. Upon

Application of Act by General Board.

43. Upon the Receipt of such Report the General Board may, if it think it expedient, by Provisional Order under their Seal, proceed to do the following Things:

To apply this Act or any Part thereof to such Place or to any Part thereof, or to any Area comprising the whole or any Part of such Place, or to attach such Place or Area to any adjoining District, constituted under this Act, or under the Public Health Act, 1848, with the Consent of the local Board of Health of such District:

To consolidate and extend and provide for the future Execution of any Public Local Acts that may upon the Institution of any such Inquiry as aforesaid be found to be already in force within any such Place or Area, and to vary or repeal any Enactments therein contained, so far as may be necessary for reconciling the same with this Act, with Power to grant Compensation to any Persons aggrieved by such Consolidation, Alteration, or Repeal.

Provisional Order not to require Consent of Ratepayers.

44. No Provisional Order so made as lastly herein-before mentioned shall require to be consented to by the Ratepayers of the Place or Area to which it relates, and it shall be the Duty of the said General Board to present the same to Parliament for Confirmation.

Costs of preliminary Inquiry, &c., with Consent of Treasury, to become a Charge upon the General District Rates. 11 & 12 Vict. c. 63. s. 11.

45. After the passing of any Act of Parliament confirming any Provisional Order by which this Act is applied to any District, the Costs, Charges, and Expenses incurred by or under the Direction of the said General Board in relation to any such Application as aforesaid shall, to such Amount as the Commissioners of Her Majesty's Treasury, by Order under their Hands, think proper to direct, become a Charge upon the General District Rates levied in such District under the Authority of this Act, and be repaid to the said Commissioners by annual Instalments not exceeding *Five*, together with Interest after the yearly Rate of *Five Pounds* in the Hundred, to be computed from the Date of any such last-mentioned Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as may from Time to Time remain unpaid.

Local Boards of Health (*Districts*).

Rules as to Constitution of Local Boards of Health in Districts.

46. In Districts the following Rules shall be observed with respect to the Constitution of Local Boards of Health; that is to say,

(1.) If such District consists of Two or more Corporate Boroughs, or of Parts of Corporate Boroughs, the Local Board of Health shall consist—

(*a*) Of the Mayors for the Time being of the respective Boroughs; and

(*b*) Of the prescribed Number of Persons herein-after called "Select Members," to be chosen as herein-after mentioned:

(2.) If such District consists partly of a Corporate Borough or Boroughs, and partly of Parts beyond the Boundaries of such Borough or Boroughs, the Local Board of Health shall consist—

(*a*) Of the Mayor or Mayor for the Time being of such Borough or Boroughs;

(*b*) Of the prescribed Number of Select Members to be chosen as herein-after mentioned;

(*c*) Of the prescribed Number of Persons herein-after called "Elective Members," to be elected as herein-after mentioned:

(3.) In Districts not containing any Part of a Corporate Borough the Local Board of Health shall consist—

(*a*) Of the prescribed Number of Elective Members.

Rules as to Select Members. 11 & 12 Vict. c. 63. s. 12.

47. The following Rules shall be observed as to "Select Members" constituting Part of the Local Board of Health of any District:

(1.) The prescribed Number of such Members shall be chosen by the Council of the Borough, or, if there is more than One Borough within the District, by the respective Councils of such Boroughs, either from their own Number or from Persons qualified to be Members of the Council making the Selection:

(2.) The First Selection shall be made on the prescribed Day:

(3.) A Select Member, if One of the Councillors of a Borough, shall be a Member of such Local Board of Health so long as he continues without Re-election to hold Office as such Councillor, and no longer: Every other Select Member shall be a Member of such Local Board for *One Year* from the Date of his Selection, and no longer:

(4.) A Select Member may resign his Place at the Local Board, upon giving to the Clerk *One Month's* previous Notice in Writing of his Intention so to do:

(5.) Any casual Vacancy occurring in the Number of Select Members, by Death, Resignation, or otherwise, may, within *One Month* from the Occurrence of such Vacancy, be filled up by the Council who selected the vacating Member, either out of their own Number, or from Persons qualified to be Members of such Council; but the Member selected to fill such Vacancy shall retain his Place so long only as the vacating Member would have retained the same if no Vacancy had occurred:

(6.) Every

(6.) Every Person, on ceasing to be a Select Member, shall be re-eligible.

Rules as to Elective Members.

48. The following Rules shall be observed as to the Elective Members constituting the whole or any Part of the Local Board of Health of any District:

(1.) The prescribed Number of such Members shall from Time to Time be elected in such Manner, and by such Ratepayers, and from such qualified Persons in which and by and from whom Members of Local Boards of Health are herein-before directed to be elected in Cases where this Act is adopted by any Place, not being a Corporate Borough, or already constituted a District under the Public Health Act, 1848:

(2.) The First Election shall take place on the prescribed Day:

(3.) The Elective Members of any such Local Board shall, as soon as conveniently may be after their First Election, be divided by Ballot into Three Classes, each Class to be as nearly as may be equal in Numbers, and the Offices of the First Class shall be vacated at the End of the First Year from the Date of their Election, the Offices of the Second Class shall be vacated at the End of the Second Year from such Date as aforesaid, and the Offices of the Third Class shall be vacated at the End of the Third Year from such Date as aforesaid; all Members so chosen to fill the vacated Offices shall hold their Offices for the Term of Three Years, and no longer; and in every Instance the Offices of retiring Members shall be supplied by an equal Number of newly-elected Members:

(4.) An Elective Member may resign his Office at the Local Board on giving to the Clerk *One Month's* previous Notice in Writing of his Intention so to do:

(5.) Any casual Vacancy occurring in the Number of Elective Members, by Death, Resignation, Disqualification, or otherwise, may, within One Month from the Date of such Occurrence, be filled up by any qualified Person elected by the Body who elected the Member so vacating, but the Member elected to fill such Vacancy shall retain his Office so long only as the vacating Member would have retained the same if no Vacancy had occurred:

(6.) Any Person, on ceasing to be an Elective Member, shall be re-eligible.

Persons chosen both as Select and Elective

49. If the same Person is chosen both as a Select and Elective Member of the Local Board of Health, he shall, within *Three* Days after Notice

Members, &c. to serve in respect of One Title only. 11 & 12 Vict. c. 63. s. 13.

Notice thereof, choose, or in default of such Choice the Local Board shall determine, the Title in respect of which he is to serve, and immediately upon such Choice or Determination such Person shall be deemed to be Member only in respect of the Title so chosen or determined, and his Office as Member in respect of any other Title shall thereupon become vacant, and shall be filled up as a casual Vacancy.

Local Boards of Health (*Places and Districts*).

Incorporation of Local Boards of Health.

50. Every Local Board of Health herein-after called a Local Board shall for the Purposes of this Act be deemed to be a Body Corporate with perpetual Succession and a Common Seal, having a Capacity to accept Grants of and to purchase and hold Lands subject to the Provisions of this Act.

Continuing Members may act during a Vacancy.

51. During any Vacancy in a Local Board the continuing Members may act as if no Vacancy had occurred.

Penalty for acting without Qualification. 11 & 12 Vict. c. 63. s. 19.

52. Any Member who acts as Member of a Local Board without being duly qualified shall incur a Penalty not exceeding *Fifty Pounds;* and in any Proceeding for the Recovery of such Penalty it shall be sufficient for the Person suing to prove in the first instance that the Person sued at the Time when the Offence is alleged to have been committed acted as such Member; and the Burden of proving Qualification, and the making and Subscription of the Declaration, or negativing Disqualification, or both, shall be upon the Person sued; nevertheless all Acts and Proceedings of any Person who so acted illegally as aforesaid, if done previously to the Recovery of such Penalty as aforesaid, shall be valid to all Intents.

Disqualifications of Members of Local Boards. 11 & 12 Vict. c. 63. ss. 18, 19.

53. If a Member of any Local Board does any of the following Things:

Absents himself during *Three* successive Months from all Meetings of the Board, except from Illness or other Cause, to be approved by the Board; or

Is adjudged bankrupt, or applies to take the Benefit of any Act for the Relief or Protection of Insolvent Debtors, or compounds with his Creditors,

such Person shall cease to be a Member of the Local Board, and his Office shall thereupon be vacant.

District becoming a Body Corporate. 11 & 12 Vict. c. 63. s. 33.

54. If any Place that has adopted this Act or any District shall afterwards be incorporated as a Borough, or be wholly comprised within the Limits of a Corporate Borough, all Powers, Rights, and Obligations

tions hereby vested in or imposed on the Local Board shall thereupon be transferred to the Council of such Borough, and shall be exercised in the same Manner as if such Locality had originally been a Corporate Borough which had adopted this Act.

Penalty on Summoning Officer, Chairman, or Returning Officer.

55. If any Summoning Officer, Chairman, or Returning Officer makes default in performing any Matter or Thing hereby imposed on him, the Offender, and in the Case of Two or more Persons being capable of being Summoning Officers, every such Person, shall for each Offence incur a Penalty not exceeding *Fifty Pounds*.

Proceedings of Local Boards of Health.

Rules as to Meetings of Local Boards. 11 & 12 Vict. c. 63. s. 34.

56. Local Boards, shall meet together for the Despatch of Business under this Act, and shall from Time to Time make such Byelaws with respect to the Summoning, Notice, Place, Management, and Adjournment of such Meetings, and generally with respect to the Transaction and Management of Business, as they think fit, subject to the following Regulations:

(1.) A Meeting shall be held once at least in every Month:

(2.) No Business shall be transacted at any Meeting unless at least *One Third* of the full Number of Members are present at the Commencement and Close of such Business:

(3.) All Questions shall be decided by a Majority of Votes:

(4.) The Names of the Members present, as well as of those voting upon each Question, shall be recorded:

(5.) The Local Board shall at their First Meeting under this Act, and afterwards from Time to Time at their First Meeting after each annual Appointment of Members of the Local Board, appoint One of their Number to be Chairman for the Year following such Choice, and shall also, if they think fit, choose another of their Number to act as Deputy Chairman for the same Period.

Vacancy in Office of Chairman or Deputy Chairman.

57. If the Chairman or Deputy Chairman dies or resigns, or ceases to be a Member of the Local Board, or otherwise becomes disqualified to act, the Directors present at the Meeting next after the Occurrence of such Vacancy shall choose some other of their Number to fill such Vacancy; and every such Chairman or Deputy Chairman so elected as last aforesaid shall continue in Office so long only as the Person in whose Place he may be so elected would have been entitled to continue if such Death, Resignation, Removal, or Disqualification had not happened.

Temporary Chairman.

58. If at any Meeting neither the Chairman nor Deputy Chairman is present, the Members present shall choose some One of their Number to be Chairman of such Meeting.

Appointment of Committees. 11 & 12 Vict. c. 63. s. 36.

59. A Local Board may appoint One or more Committees, consisting of such Number of Members as they think fit, and they may grant to such Committees respectively Power on behalf of the Local Board to do any Acts which the Local Board could lawfully do, and which they shall from Time to Time think proper to intrust to them.

Proceedings of Committees.

60. The said Committee may meet from Time to Time, and may adjourn from Place to Place, as they think proper, for carrying into effect the Purposes of their Appointment; and no such Committee shall exercise the Powers intrusted to them except at a Meeting at which there is present a Quorum to be fixed for that Purpose by the Local Board; and at all Meetings of the Committees One of the Members present shall be appointed Chairman; and all Questions at any Meeting of the Committee shall be determined by a Majority of Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a Casting Vote, in addition to his Vote as a Member of the Committee.

Custody of Common Seal. 11 & 12 Vict. c. 63. s. 35.

61. The Local Board shall provide a Common Seal, and the Custody of such Seal, and the Power to use the same on behalf of the Local Board, shall be vested in such Person or Persons as the Local Board may from Time to Time appoint.

Contracts by Committee or Local Board, how to be entered into. 8 Vict. c. 16. s. 97.

62. The Power which may be granted to any such Committee to make Contracts, as well as the Power of the Local Board to make Contracts, may lawfully be exercised as follows; (that is to say,)

With respect to any Contract which, if made between private Persons, would be by Law required to be in Writing and under Seal, such Committee or the Local Board may make such Contract in Writing and under their Common Seal, and in the same Manner may vary or discharge the same:

With respect to any Contract which, if made between private Persons, would be by Law required to be in Writing and signed by the Parties to be charged therewith, then such Committee or the Local Board may make such Contract in Writing, signed by such Committee or any Two of them, or any Two of the Local Board, and in the same Manner may vary or discharge the same:

With respect to any Contract which, if made between private Persons, would by Law be valid although made by Parol only, and not reduced into Writing, such Committee or the Local Board

Board may make such Contract by Parol only, without Writing, and in the same Manner may vary or discharge the same:
And all Contracts made according to the Provisions herein contained shall be effectual in Law, and shall be binding upon the Local Board and their Successors, and all other Parties thereto, their Heirs, Executors, or Administrators, as the Case may be.

Proceedings to be entered in a Book, and to be Evidence.

63. The Local Board shall cause Notes, Minutes, Copies, as the Case may require, of all Appointments made or Contracts entered into by them, and of the Orders and Proceedings of all their Meetings, and of the Meetings of Committees of the Local Board, to be duly entered in Books to be from Time to Time provided for the Purpose, and be kept under the Superintendence of the Local Board; and every such Entry shall be signed by the Chairman of such Meeting; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened or held, or of the Persons making or entering such Orders or Proceedings being Members of Committee respectively, or of the Signature of the Chairman, or of the Fact of his having been Chairman, all of which last-mentioned Matters shall be presumed, until the contrary be proved.

Informalities in Appointment of Members of Local Board not to invalidate Proceedings.

64. All Acts done by any Meeting of the Local Board or of any such Committee as aforesaid, or by any Person acting as a Member of a Local Board, shall, notwithstanding it may be afterwards discovered that there was some Defect in the Appointment of any such Local Board or Persons acting as aforesaid, or that they or any of them were or was disqualified, be as valid as if every such Person had been duly appointed and was qualified to be a Member.

Members of Local Board not to be personally liable.

65. No Member of a Local Board, by being Party to or executing in his Capacity of Member any Contract or other Instrument on behalf of the Local Board, or otherwise lawfully executing any of the Powers given to the Members of Local Boards, shall be subject to be sued or prosecuted, either individually or collectively, by any Person whomsoever.

PART III.

Powers and Duties of Local Boards.

Preliminary.

Definition of "District" in Third Part of Act.

66. Throughout the Third Part of this Act the Term "District" shall, in addition to the Meaning given to it in the Second Part of this Act, include any Place that has adopted this Act.

 67. In

Construction of incorporated Acts.

67. In the Construction of the Acts herein-after incorporated with this Act, the Expression "the Special Act" shall mean this Act as applied to the District, and the Local Board shall according to the Tenor of the incorporated Act be deemed to be the "Commissioners" or "Undertakers," and the Expression "Lands" or "Lands and Streams" shall mean such "Lands" or such Lands and Streams as are, in manner herein-after mentioned, authorized to be taken for the Purposes of this Act.

Officers.

Appointment of Officers. 11 & 12 Vict. c. 63. s. 37.

68. The Local Board shall have Power to do the following Things:—

(1.) To appoint fit and proper Persons to be Surveyor, Inspector of Nuisances, Clerk, and Treasurer for the Purposes of this Act, together with such Collectors and other Officers and Servants as may be necessary for the efficient Execution of this Act:

(2.) To make Byelaws for regulating the Duties and Conduct of the several Officers and Servants so appointed or employed:

(3.) To pay, out of the General District Rates to be levied under this Act, to such Officers and Servants, such reasonable Salaries, Wages, or Allowances as the said Local Board may think proper:

(4.) To remove, at their Pleasure, every Officer and Servant so appointed:

Subject nevertheless to the following Regulations:—

(1.) That the same Person may be both Surveyor and Inspector of Nuisances:

(2.) That neither the Person holding the Office of Treasurer nor his Partner, nor any Person in the Service or Employ of them or either of them, shall hold, be eligible to, or shall in any Manner assist or officiate in the Office of Clerk:

(3.) That neither the Person holding the Office of Clerk nor his Partner, nor any Person in the Service or employ of them or either of them, shall hold, be eligible to, or shall in any Manner assist or officiate in the Office of Treasurer:

And whosoever offends in any of the Cases enumerated in this Proviso shall incur a Penalty not exceeding *One hundred Pounds*.

Incorporation of Sections of Commissioners Clauses Act.

69. The Provisions of "The Commissioners Clauses Act, 1847," with respect to the Accountability of Officers, contained in the Sections numbered from 67 to 74, both inclusive, shall be incorporated with and form Part of this Act, and shall apply to Officers appointed by any Local Board.

70. The

Local Boards to provide Offices. 11 & 12 Vict. c. 63. s. 35.

70. The Local Board shall from Time to Time provide and maintain such Offices as may be necessary for transacting their Business under this Act.

Maps

Map exhibiting System of Sewerage. 11 & 12 Vict. c. 63. s. 41.

71. The Local Board shall, as soon as possible, procure or cause to be made a Map, upon such Scale as is approved by the General Board, exhibiting a System of Sewerage for effectually draining their District for the Purposes of this Act; and every such Map shall be kept at the Office of the Local Board, and shall at all reasonable Times be open to the Inspection of the Ratepayers of the District.

Sewerage and Cleansing.

Sewers, &c. vested in Local Board. 11 & 12 Vict. c. 63. s. 43.

72. All existing and future Sewers within their District,

Except Sewers made by any Person for his own Profit, or by any Company for the Profit of the Shareholders, and

Except Sewers made and used for the Purpose of draining, irrigating, or otherwise improving Land under any Local or Private Act of Parliament, and

Except Sewers under the Authority of any Commissioners of Sewers,

together with all Buildings, Works, Materials, and Things belonging or appertaining thereto, shall vest in and be under the Control of the Local Board.

Power to purchase, &c. certain Sewers. 11 & 12 Vict. c. 63. s. 44.

73. The Local Board may, if they think fit, purchase the Rights, Privileges, and Powers vested in any Person or Company for making Sewers, or contract for the Use of any Sewers within their District, or purchase any such Sewers, with or without the Buildings, Works, Materials, and Things belonging or appertaining thereto; and any Person to whom any such Property belongs may sell the same to or otherwise contract with the said Local Board; and in case of any such Sale the Purchase Money shall be settled and applied to the same Uses and Trusts to which the Property purchased was subject at the Time of such Sale, and the Property purchased shall vest in the Local Board purchasing the same, but without Prejudice to the Rights of any Person who previously thereto may have acquired a perpetual Right to use any Sewer so purchased, or any other Sewer substituted in lieu thereof.

Powers of Local Board as to Sewerage within District. 11 & 12 Vict. c. 63. ss. 45, 46.

74. The Local Board shall cause their District to be effectually drained, and for the Purpose of such Drainage they shall have Power within such District from Time to Time, upon making due Compensation, to do any of the following Things; that is to say,

(1.) To repair, arch over, enlarge, lessen, or otherwise alter any existing Sewer or Drain:

(2.) To construct any new Sewer or Drain, with a like Power of repairing and altering the same:

(3.) To discontinue, close up, or destroy any existing or new Sewer or Drain:

(4.) To carry any Sewer, Drain, or Pipe for the Distribution of Sewage through, across, or under any Turnpike Road, or any Street or Place laid out as or intended for a Street, or under any Cellar or Vault which may be under the Pavement or Carriageway of any Street or intended Street.

(5.) To purchase any Land or Easement in respect of Land necessary for carrying into execution the above Objects, subject to the Regulations herein-after mentioned.

Subject nevertheless, in the Exercise of such Powers, to the Restrictions herein-after mentioned; that is to say,

(1.) All Sewers and Drains shall be so constructed and kept as not to create a Nuisance or be injurious to Health:

(2.) If by the Exercise of any of the above Powers any Person is deprived of the lawful Use of any Sewer or Drain, the Local Board shall provide for his Use some other Sewer or Drain equally convenient.

Powers of Local Board both in and out of District.

75. Every Local Board shall have Power, upon making due Compensation, to do the following Things, either within or without their District; that is to say,

(1.) To construct, either above or under Ground, such Reservoirs as may be necessary for holding the Sewage flowing from the Sewers of their District:

(2.) To cause the Sewers of their District to empty into such Reservoirs by means of connecting Sewers or such other Means as they think fit:

(3.) To contract with any Person for the Sale of such Sewage, or for the Distribution of it over any Land:

(4.) To contract for, purchase, or hire any Buildings, Engines, Materials, or Apparatus for the Purpose of receiving, storing, disinfecting, or distributing any such Sewage:

(5.) To purchase any Land necessary for carrying into execution the above Objects, subject to the Regulations herein-after mentioned.

Penalty for making unauthorized Sewers and building over Sewers and under Streets. 11 & 12 Vict. c. 63. s. 47.

76. No Person shall, without the Consent of the Local Board, do the following Things or any of them:

(1.) Cause any Sewer or Drain to communicate with or to be emptied into any Sewer of the Local Board:

(2.) Cause any Buildings to be newly erected over any such Sewer of the Local Board:

(3.) Cause

(3.) Cause any Vault, Arch, or Cellar to be newly built or constructed under the Carriageway of any Street:

And any Person offending against this Enactment shall incur a Penalty not exceeding *Five Pounds*, and a further Penalty of *Forty Shillings* for every Day during which the Offence is continued; and if any Sewer, Drain, Building, Vault, Arch, or Cellar is made, erected, or constructed contrary to this Enactment the said Local Board may cause the same to be altered, pulled down, or otherwise dealt with as they think fit, and the Expenses incurred by them in so doing shall be repaid to them by the Offender, and be recoverable from him in the summary Manner herein-after provided.

Use of Sewers by Persons beyond the District. 11 & 12 Vict. c. 63. s. 48.

77. Any Owner or Occupier of Premises near to but beyond the Limits of any District may cause any Sewer or Drain from such Premises to communicate with any Sewer of the Local Board, upon such Conditions as may be agreed upon between such Owner and Occupier and such Local Board, or, in case of Dispute, as may be settled by Arbitration in the Manner provided by this Act.

Regulations as to Drains of existing Houses.

78. Whenever it appears to the Local Board that any House within their District, built before the Time at which this Act has come into operation within such District (and which Time is herein-after referred to as the Date of the Constitution of such District,) is without any Drain, or without such Drain as is sufficient for effectual Drainage, the Local Board may by Notice require the Owner of such House, within a reasonable Time therein specified, to make a sufficient Drain, emptying as follows; that is to say, if the Sea or a Sewer of the Local Board, or any Sewer which they are entitled to use, is within *One hundred Feet* of the Site of such House, emptying either into the Sea or such Sewer as the Local Board may direct, but if no such Means of Drainage are within that Distance then emptying into such covered Cesspool or other Place, not being under any House, as the Local Board directs, and if the Person on whom such Notice is served fails to comply with the same the Local Board may themselves do the Work required, and the Expenses incurred by them in so doing may be recovered from such Owner in a summary Manner, or may, by Order of the Local Board, be declared to be Private Expenses, and be dealt with accordingly.

Regulations as to Drains of new Houses. 11 & 12 Vict. c. 63. s. 49.

79. The following Rules shall be observed with respect to Drains of Houses built after the Date of the Constitution of the District:

(1.) The Drains of every such new House as aforesaid shall be covered in, and be of such Size and Materials, at such Level, and with such Fall, as may be effectual, in the Opinion of the Surveyor, to secure a proper Drainage of such House and its Appurtenances:

(2.) If the Sea, or a Sewer of the Local Board, or a Sewer which they are entitled to use, is within *One hundred Feet* of any Part of the Site of such new House, the Drains so to be constructed shall communicate with such One of those Means of Drainage as the Local Board directs:

(3.) If no such Means of Drainage are within that Distance, then the last-mentioned Drains shall communicate with and be emptied into such covered Cesspool or other Place, not being under any House, and not being within such Distance from any House, as the said Local Board directs:

(4.) Whenever any House already built is pulled down to or below the Ground Floor, the Drains of such House shall be subject to the Regulations of this Section in the same Manner as if it were a House built after the Date of the Constitution of the District.

Penalty on Noncompliance with the foregoing Rules. 11 & 12 Vict. c. 63. s. 49.

80. If any House is built or rebuilt, or any Drain constructed, contrary to the foregoing Enactment, the Owner of the House so built or rebuilt or to which such Drain belongs shall be subject to the following Liabilities; that is to say,

(1.) He shall incur a Penalty for each Offence not exceeding *Fifty Pounds*:

(2.) The Local Board may by Notice require such Owner, within a reasonable Time therein specified, to bring such House or Drain into conformity with the above Regulations, and if he fails to comply with such Notice may themselves do the Work required, and the Expenses incurred by them in so doing may be recovered from such Owner in a summary Manner, or may, by Order of the Local Board, be declared to be Private Expenses, and be dealt with accordingly.

Local Board to cause Streets to be cleansed, and Dust and Ashes to be removed from the Houses. 11 & 12 Vict. c. 63. s. 55.

81. The Local Board shall cause all the Streets within their District, together with the Foot Pavements, from Time to Time to be properly swept, cleansed, and watered, and all Dust, Filth, and Refuse of every Sort found thereon to be collected and removed, and shall cause all the Dust, Ashes, and Rubbish to be carried away from the Houses and Tenements of the Inhabitants within their District at convenient Times, and shall cause the Privies and Cesspools within the said District to be from Time to Time emptied and cleansed: Provided always, that the Occupier of any House or Tenement within the said District may keep and remove any such Soil, Ashes, or Rubbish as may be made on his own Premises, and may be kept for Manure, so that the same be not a Nuisance to the Inhabitants residing near such Premises, and that the same be removed at such Times and in such Manner as is approved of by the Local Board.

82. The

Local Board to cause Places for Deposit of Dust, Soil, &c. to be provided. 11 & 12 Vict. c. 63. s. 56.

82. The Local Board may, in their Discretion, provide, in proper and convenient Situations, Boxes or other Conveniences for the temporary Deposit and Collection of Dust, Ashes, and Rubbish, and also fit Buildings and Places for the Deposit of the Sewage, Soil, Dung, Filth, Ashes, Dust, and Rubbish collected by such Board; and all Sewage, Soil, Dung, Filth, Ashes, Dust, and Rubbish so collected by the said Local Board, or in any Convenience provided as aforesaid, shall be vested in and be sold and disposed of by such Board, and the Proceeds thereof shall be applied in carrying into effect the Purposes of the Act.

Local Board may make Byelaws as to cleansing new Dwellings.

83. The Local Board may make such Byelaws as they think fit as to the sweeping and cleansing of the Footways and Pavements adjoining the Dwellings within their District, and as to the Prevention of Nuisances from the Deposit within the District of any Manure or other offensive or noxious Substance in or about any House, and may annex reasonable Penalties for any Breach of such Byelaws; and for the Purposes aforesaid, when any House is let in separate Apartments, the Person letting such Apartments shall be deemed the Occupier.

Public Necessaries. 11 & 12 Vict c. 63. s. 57.

84. The Local Board may, if they think fit, provide and maintain in proper and convenient Situations, Waterclosets, Privies, and other similar Conveniences for public Accommodation.

Penalty on Persons erecting Houses without Waterclosets. 11 & 12 Vict. c. 63. s. 51.

85. Every House built after the Date of the Constitution of the District, and every House pulled down to or below the Ground Floor, shall be furnished, to the Satisfaction of the Local Board, with a sufficient Watercloset or Privy and an Ashpit, furnished with proper Doors and Coverings; and any Person offending against this Enactment shall incur a Penalty not exceeding *Twenty Pounds*.

Local Board may, upon Report of Surveyor, order Waterclosets, &c. to be erected in Houses, whether built before or after this Act is applied, &c.

86. If at any Time it appears to the Local Board that any House whether built before or after the Date of the Constitution of the District, is not provided with a sufficient Watercloset or Privy and an Ashpit, furnished with proper Doors and Coverings, the Local Board may by Notice require the Owner or Occupier of such House, within a reasonable Time, to be specified in such Notice, to provide a sufficient Watercloset or Privy and an Ashpit, so furnished as aforesaid, or either of them, as the Case may require; and if he fails to comply with such Notice the Local Board may themselves do the Works required; and the Expenses incurred by them in so doing shall be recoverable from the Owner in a summary Manner, or may, by Order of the said Local Board, be declared to be Private Expenses, and be recovered accordingly; but in Cases where a Watercloset or Privy has been and is used in common by the Inmates of Two

or more Houses, or where, in the Opinion of the said Local Board, a Watercloset or Privy may be so used, they shall not require the same to be provided for each House.

Certain Watercloset to be constructed in Factories, &c. 11 & 12 Vict. c. 63. s. 54.

87. If at any Time it appears to the Local Board that any House is used or intended to be used as a Factory or Building in which Persons of both Sexes, and above *Twenty* in Number, are employed or intended to be employed at One Time in any Manufacture, Trade, or Business, the Local Board may, by Notice in Writing addressed to the Owner or Occupier of such House, require them or either of them, within a Time to be specified in such Notice, to construct a sufficient Number of Watercloset or Privies for the separate Use of each Sex; and any Person neglecting or refusing to comply with any such Notice shall incur for each Default a Penalty not exceeding *Twenty Pounds*, and a further Penalty not exceeding *Forty Shillings* for every Day during which the Default is continued.

Removal of Nuisances.

88. It shall be the Duty of the Local Board to keep their District free from Nuisances, and for that Purpose to exercise such Powers and take such Measures as may be vested in or exerciseable by them under any Act or Acts of Parliament for the Time being in force.

Cellars.

Cellars, &c. newly built not to be let as Dwelling Rooms. 11 & 12 Vict. c. 63. s. 67.

89. It shall not be lawful to let or occupy or suffer to be occupied separately as a Dwelling any Vault, Cellar, or underground Room built or rebuilt after the Date of the Constitution of the District, or which has not been been so let or occupied before such last-mentioned Date; and it shall not be lawful to let or continue to let, or to occupy or suffer to be occupied, separately as a Dwelling, any Vault, Cellar, or underground Room whatsoever, unless it possess the following Requisites; that is to say,

Unless the same is in every Part thereof at least *Seven* Feet in Height, measured from the Floor to the Ceiling thereof; nor

Unless the same is at least for *Three* Feet of its Height above the Surface of the Street or Ground adjoining or nearest to the same; nor

Unless there is outside of and adjoining the same Vault, Cellar, or Room, and extending along the entire Frontage thereof, and upwards from *Six* Inches below the Level of the Floor thereof up to the Surface of the said Street or Ground, an open Area of at least *Two Feet and Six Inches* wide in every Part; nor

Unless the same is well and effectually drained by means of a Drain the uppermost Part of which is *One Foot* at least below the Level of the Floor of such Vault, Cellar, or Room; nor

Unless

Unless there is appurtenant to such Vault, Cellar, or Room the Use of a Watercloset or Privy and an Ashpit, furnished with proper Doors and Coverings kept and provided according to the Provisions of this Act; nor

Unless the same has a Fireplace with a proper Chimney or Flue; nor

Unless the same has an external Window of at least Nine Superficial Feet in Area clear of the Sash Frame, and made to open in such Manner as is approved by the Surveyor, except in the Case of an inner or back Vault, Cellar, or Room let or occupied along with a front Vault, Cellar, or Room as Part of the same Letting or Occupation, in which Case the external Window may be of any Dimensions, not being less than Four Superficial Feet in Area clear of the Sash Frame:

And whosoever lets, occupies, or continues to let, or knowingly suffers to be occupied, for Hire or Rent, any Vault, Cellar, or underground Room, contrary to this Act, shall be liable for every such Offence to a Penalty not exceeding *Twenty Shillings* for every Day during which the same continues to be so let or occupied after Notice in Writing from the Local Board in that Behalf; and every Vault, Cellar, or underground Room in which any Person passes the Night shall be deemed to be occupied as a Dwelling within the Meaning of this Act; but the above Rule as respects Areas shall be qualified as follows; that is to say,

In any Area adjoining a Vault, Cellar, or underground Room there may be Steps necessary for Access to such Vault, Cellar, or Room, if the same are so placed as not to be over, across, or opposite to the said external Window, and so as to allow between every Part of such Steps and the external Wall of such Vault, Cellar, or Room a clear Space of *Six* Inches at the least; and

Over or across any such Area there may be Steps necessary for Access to any Building above the Vault, Cellar, or Room to which such Area adjoins, if the same are so placed as not to be over, across, or opposite to any such external Window.

Time of Provisions coming into operation. 11 & 12 Vict c. 63. s. 67.

90. The foregoing Provisions with respect to the Letting and Occupation of Vaults, Cellars, and underground Rooms shall not, so far as the same relate to Vaults, Cellars, and underground Rooms which have been previously let or occupied as Dwellings, come into force within any District until the Expiration of *Six* Months from the Date of the Constitution of such District; and all Churchwardens and Overseers of the Poor within any District shall from Time to Time cause public Notice of the Provisions of this Act with respect to the Letting and Occupation of Vaults, Cellars, and

underground Rooms to be given in such Manner as may appear to them to be best calculated to make the same generally known.

New Houses.

Building new Houses and rebuilding old ones.

91. *Fourteen* Days at the least before beginning to dig the Foundations of any new House, or to convert any Building into a House, or to rebuild any House pulled down to or below the Ground Floor, the Person intending so to build, convert into a House, or rebuild shall give to the Local Board a Plan and Sections of the House so intended to be made, and also a Statement in the Form marked (E.) in the Schedule hereto, or in such other Form as may from Time to Time be directed by the General Board, comprising the following Particulars:

1. The Thickness and Materials of the Walls:
2. The Heights and Dimensions of the Rooms, including the Level of the Cellars or lowest Floors:
3. The Means of Ventilation:
4. The Situation of any Waterclosets, or, where Waterclosets cannot be brought into use, of any Privies, Cesspools, or Urinals intended to be made or used in connexion with such House:
5. The Provisions for Drainage, Supply of Water, and Deposit of dry Refuse:
6. The Dimensions of the Area intended to be left open in connexion with the House:

And it shall be lawful for the Local Board, within *Fourteen* Days from the Receipt of such Statement, to notify to the Person so about to build, convert into a House, or rebuild, their Approval or Disapproval of such Plan and Particulars, either with or without Modification; but if no Notification is made within such Period of *Fourteen* Days, the Local Board shall be presumed to have given its Approval.

Inspection by Surveyor during Progress of Works.

92. During the Progress of any such Building, Conversion, or Rebuilding as is mentioned in the foregoing Section, and at such Stages of the Work as are specified in the Form marked (F.) in the Schedule hereto, the Surveyor of the Local Board shall have Power to enter upon and inspect the Work done, for the Purpose of ascertaining that the same is done in conformity with the Plan and Particulars approved by such Board; and with a view to such Inspection it shall be incumbent on every Person executing any such Work as aforesaid to give to such Surveyor not less than *Two* Days Notice in Writing of the Time when the Work will be ready for Inspection at the several Stages aforesaid.

93. If

Penalty on acting without Approval of Local Board.

93. If any Person so intending as aforesaid to build, convert into a House, or rebuild, commits any of the following Offences; that is to say,

(1.) Fails to give the Notice herein-before required to be given before beginning to dig the Foundations, make such Conversion, or rebuild in manner aforesaid; or,

(2.) Fails to give any Notice herein-before required to be given as to the Progress of the Works; or,

(3.) Acts in contravention of the Decision of the Local Board in building or rebuilding any House, or converting into a House any other Building, or in making or continuing any Drain, Watercloset, Privy, Urinal, Cesspool, or Place of Deposit of any Refuse,

he shall for each such Offence incur a Penalty not exceeding *Fifty Pounds*; and the said Local Board may, if they think fit, cause any such House, Drain, Watercloset, Privy, Urinal, Cesspool, or Place of Deposit of any Refuse to be pulled down, removed, altered, or otherwise dealt with, as the Case requires; and the Expenses so incurred shall be repaid by the Offender, and be recovered from him in a summary Manner, or may be declared by the Local Board to be Private Expenses, and be recovered accordingly.

Persons aggrieved by Order of Local Board may appeal to Quarter Sessions.

94. If any Person feels aggrieved by any Order of the Local Board relating to any such Building, Conversion, or Rebuilding as aforesaid, he may appeal against such Order to the Court of Quarter Sessions in manner herein-after mentioned.

Streets.

Provisions as to Streets. 11 & 12 Vict. c. 63. s. 68.

95. The following Provisions shall be made with respect to Streets within any District:

(1.) All Streets that are at the Date of the Constitution of the District or may thereafter become Highways, together with all Materials and Buildings provided for the Purposes thereof, shall vest in and be under the Management of the Local Board:

(2.) The Local Board shall from Time to Time cause such Streets to be levelled, paved, flagged, and repaired as Occasion requires:

(3.) The Local Board may from Time to Time cause the Soil of any such Street to be raised, lowered, or altered as they think fit, and place and keep in repair Fences and Posts for the Safety of Foot Passengers; and whosoever wilfully displaces, takes up, or injures the Pavement, Stones, Materials, Fences, or Posts of any such Street, without the Consent of the Local Board, shall be liable for every such Offence to a Penalty not exceeding *Five Pounds*, and

and a further Sum not exceeding *Five Shillings* for every Square Foot of the Pavement, Stones, or other Materials so displaced, taken up, or injured:

11 & 12 Vict. c. 63. s. 69.

(4.) In case any Street, whether formed before or after the Date of the Constitution of the District, (not being a Highway repairable at the Public Expense), or the Carriageway or Footpath thereof, or any Part thereof, is not sewered, levelled, paved, flagged, channelled, or put in repair to the Satisfaction of the Local Board, such Board may from Time to Time, by Notice in Writing to the respective Owners or Occupiers of the Premises fronting, adjoining, or abutting upon such Parts as may require to be sewered, levelled, paved, flagged, channelled, or put in repair, require them to sewer, level, pave, flag, channel, or put in repair the whole Breadth of such Street or the Carriageway or Footpath thereof, or such Part thereof within a Time to be specified in such Notice; and if such Notice is not complied with the said Local Board may, if they think fit, execute the Works mentioned or referred to therein; and the Expenses incurred by them in so doing shall be paid by the Owners in default, according to the Frontage of their respective Premises, and in such Proportion as may be settled by the Surveyor, or in case of Dispute by Arbitration in the Manner provided by this Act; and such Expenses may be recovered from the last-mentioned Owners in a summary Manner, or the same may be declared by Order of the said Local Board to be Private Expenses, and be recoverable accordingly:

(5.) The Local Board may, from Time to Time, by Notice in Writing, put up in any Part of a Street and to be entered amongst the Proceedings of the said Local Board, declare the whole Breadth of such Street, or the Carriageway or Footpath thereof, or any Length of such Street, Carriageway or Footpath, to be a Highway, and after the Expiration of a Month from the Date of such Notice being so put up the same shall, subject to the Provision herein-after contained, become a Highway, and be from Time to Time repaired by them as such; provided that no such Notice shall be of any Force, nor shall such Street or Portion thereof, Carriageway or Footpath, become a Highway as last aforesaid, if within *One Month* after such Notice has been put up the Proprietor of such Street or Length thereof, Carriageway or Footpath, or the Person representing or entitled to represent such Proprietor, by Notice in Writing to the said Local Board objects thereto:

(6.) All

(6.) All Expenses incurred by the Local Board in maintaining, paving, and repairing the Streets and Highways within any District shall be paid out of the General District Rate levied in pursuance of this Act:

(7.) It shall be lawful for any Local Board, by Agreement with the Trustees of any Turnpike Road within the District, to take upon themselves the Maintenance, Repair, Cleansing, and Watering of so much of the said Road as may be within the said District, on such Terms as to the Tolls receivable on such Turnpike, and as to the shifting of Toll Gates or Toll Bars, or otherwise, as the Local Board and the Trustees may agree upon between themselves; and Notice of every such Agreement shall be published once at the least in some One Newspaper circulating within the District for *Two* successive Weeks after such Agreement has been made, and shall be affixed in all Places within the District where public Notices are usually affixed; and any Trustee of any such Turnpike, or any Person holding any Security for Money advanced to such Trustees, or to whom any Money may be due from such Trustees, and any Ratepayer within the District, if dissatisfied with such Agreement, may appeal against the same to the Court of Quarter Sessions, in the same Manner, and on the same Terms in respect of Notice, as in the Case of Appeals against Rates leviable under this Act; and the Determination of the said Court in respect of such Agreement shall be conclusive and binding on all Persons to all Intents and Purposes:

(8.) *One Month* at the least before any new Street is laid out, the Person intending to lay out or make the same shall give to the Local Board a Plan of such Street, showing the intended Level and Width thereof, and the Provisions made for Sewerage, and the Materials to be employed in making the Roadway of such Street; and it shall be lawful for the Local Board, within *One Month* from the Receipt of such Statement, to notify to the Person so about to lay out or make such Street their Approval or Disapproval of such Plan and Particulars, either with or without Modification; but if no Notification is made within such Period of a Month the Local Board shall be presumed to have given its Approval: 11 & 12 Vict. c. 63. s. 72.

(9.) During the Progress of the Formation of any such Street, and at such Stages of the Work as are specified in the Form marked G. in the Schedule hereto, the Surveyor of the Local Board shall have Power to enter upon and inspect the Work done, for the Purpose of ascertaining that

the same is in conformity with the Plan and Particulars approved by such Board; and with a view to such Inspection it shall be incumbent on the Person having the Control of any such Work as aforesaid to give such Surveyor not less than *Two* Days Notice in Writing of the Time when the Works or any Part thereof will be ready for Inspection, at the several Stages aforesaid, and if he fails to give such Notice he shall for each such Offence incur a Penalty not exceeding *Fifty Pounds*.

Penalties on Noncompliance with foregoing Provisions.

96. If any Person so intending as aforesaid to lay out or make any Street commits any of the following Offences:

Fails to give the Notice herein-before required to be given before beginning to lay out such Street as aforesaid;

Acts in contravention of the Decision of the Local Board in laying out or making such Street or any Part thereof,

he shall for each such Offence incur a Penalty not exceeding *Fifty Pounds*; and the said Local Board may, if they think fit, cause any Work so done in contravention of their Decision to be pulled down, removed, altered, or otherwise dealt with as the Case requires; and the Expenses so incurred shall be repaid by the Offender, and be recovered from him in the summary Manner herein-after provided, or may be declared by the Local Board to be Private Improvement Expenses, and be recovered accordingly.

Person aggrieved may appeal to Quarter Sessions.

97. If any Person feels aggrieved with the Decision of any Local Board of Health in reference to the laying out of any such Street as aforesaid, or any Matter incidental thereto, he may appeal therefrom to the Court of Quarter Sessions in manner herein-after mentioned.

Incorporation of Provisions of the Towns Improvement Clauses Act, 1847.

98. The Provisions of "The Towns Improvement Clauses Act, 1847," with respect to the following Matters and Things, that is to say,

With respect to naming the Streets and numbering the Houses;

With respect to improving the Line of the Streets, and removing Obstructions:

With respect to ruinous or dangerous Buildings;

With respect to Precautions during the Construction and Repair of the Sewers, Streets, and Houses;

With respect to the Prevention of Smoke;

With respect to the Construction of Houses for the Prevention of Fire;

With respect to supplying Buildings with fresh Air;

With respect to Byelaws,

shall be incorporated with this Act.

Removal

Removal of Pipes.

Power to require Gas and Water Pipes to be moved. 11 & 12 Vict. c. 63. s. 73.

99. Whenever, for the Purposes of this Act, the Local Board deem it necessary to raise, sink, or otherwise alter the Situation of any Water or Gas Pipes, Mains, Plugs, or other Waterworks or Gasworks laid in or under any Street, they may, by Notice in Writing, require the Person to whom the Pipes, Mains, Plugs, or Works belong, to raise, sink, or otherwise alter the Situation of the same, in such Manner and within such reasonable Time as is specified in such Notice, and the Expenses attendant upon or connected with any such Alteration shall be paid by the said Local Board out of the General District Rates levied under this Act, except in Cases where, under any Local Act of Parliament, the Expenses attendant upon or connected with the raising, sinking, or otherwise altering the Situation of any Water or Gas Pipes, Mains, Plugs, or other Waterworks or Gasworks, are directed to be borne by the Person to whom such Pipes or Works belong, in which Cases the Liability of such last-mentioned Person in respect of such Expenses shall continue, in the same Manner and under the same Conditions in all respects as if this Act had not been passed; and if such Notice as aforesaid is not complied with, the Local Board may make the required Alteration; but no Alteration shall be required or made under this Section which will permanently injure any such Pipes, Mains, Plugs, or Works, or prevent or impede the Flow of Water or Gas through the same.

Supply of Water.

Provisions with respect to Supply of Water. 11 & 12 Vict. c. 63. ss. 75, 76, 77, 78.

100. The following Provisions shall be made with respect to the Supply of Water to any District:

(1.) All public Wells, Pumps, Conduits, and other Waterworks used for the gratuitous Supply of Water to the Inhabitants of the District, shall vest in and be under the Control of the Local Board:

(2.) The Local Board shall continue, maintain, and supply with Water all such Waterworks as aforesaid, or substitute other Waterworks equally convenient, and supply the same with Water:

(3.) The Local Board may construct any Number of new Wells, Pumps, or other Waterworks for the gratuitous Use of the Inhabitants of the District, and supply the same with Water:

(4.) The Local Board may cause a Supply of Water to be furnished to any public Baths or Wash-houses:

(5.) The Local Board shall cause Water to be provided in sufficient Quantities for flushing the Sewers and Drains, for

putting out Fires, for cleansing and watering the Streets; and for other public Purposes:

(6.) The Expense of providing a Supply of Water for the foregoing Purposes shall be paid out of the General District Rates herein-after mentioned:

(7.) If it appears to the Local Board that any House is without a proper Supply of Water, and that such Supply can be provided at an Expense not exceeding *Threepence* a Week exclusive of the First Cost of the Pipes and Works necessary for furnishing such Supply, the Local Board may serve a Notice on the Owner or Occupier of such House requiring him to obtain such Supply within a Time to be specified in such Notice, and if such Owner or Occupier fails to comply with such Notice the Local Board may themselves cause such Supply to be furnished:

(8.) All Expenses incurred by Order of or by any Local Board in respect of Pipes laid or Works done for the Purpose of furnishing such Supply as aforesaid to any House, shall be deemed to be private Expenses, and recoverable accordingly:

(9.) The Rent payable in respect of the supply of Water to any such House as aforesaid, shall be defrayed in the same Manner in all respects as the same would have been defrayed if the Owner or Occupier of such House had obtained the supply voluntarily, instead of in obedience to an Order of the Local Board:

(10.) If there is or are any Company or Companies within the District willing to furnish upon reasonable Terms a sufficient Supply of Water for the Purposes herein-before mentioned, the Local Board shall contract with such Company for such Supply, and for the laying of such Pipes and doing of such Works as may be necessary for providing any such House as aforesaid with a proper Supply of Water:

(11.) If any Dispute arises between the Local Board and any Company or Companies as to whether the Terms proposed by any Company or Companies are reasonable, such Dispute shall be decided by Arbitration in manner herein-after provided:

(12.) In the event of there being no Company within the District willing to furnish he required Supply of Water upon reasonable Terms, the Local Board may undertake to supply the same:

(13.) In such event as last aforesaid the Local Board may purchase or take on Lease any Waterworks; they may purchase

purchase any Land or Streams, or Easement in respect of Land or Streams, and do and construct and execute all such Works as may be necessary or proper for the Purpose of furnishing a Supply of Water for any of the Purposes herein-before mentioned, and they may carry their Pipes for the Distribution of Water through, across, or under any Turnpike Road, or any Street or Place laid out as or intended for a Street, or under any Cellar or Vault which may be under the Pavement or Carriageway of any Street:

(14.) Whenever any Local Board have themselves undertaken to supply Water to their District, they may furnish the same to any private House or for any trading or manufacturing Purpose:

(15.) The Expense of furnishing such Supply to any private House or for any manufacturing or trading Purposes, shall be defrayed by Water Rents to be levied on the Persons requiring such Supply:

(16.) All such Water Rents as aforesaid shall be paid and recovered in manner provided by the Provisions of the Waterworks Clauses Act, 1847, with respect to the Payment and Recovery of Water Rates, and such Provisions shall for the Purposes aforesaid be incorporated with this Act:

(17.) Any Profits made by the Local Board, by the Exercise of the Powers given them by this Section shall be accounted for in the same Manner and be applied to the same Purposes in and to which the General District Rate is herein-after declared to be accounted for and applicable.

Offences with respect to Water. 11 & 12 Vict. c. 63. ss. 79, 80.

101. The Offences herein-after mentioned shall be punished in manner following; that is to say,

First,—As to injuring Waterworks:

(1.) If any Person wilfully or carelessly breaks, injures, or opens any Lock, Cock, Waste Pipe, or Waterworks belonging to or under the Management of any Local Board; or,

(2.) Unlawfully flushes, draws off, diverts, or takes Water from any Waterworks belonging to or under the Management or Control of the Local Board from any Waters or Streams by which such Waterworks are supplied; or,

(3.) Wilfully or negligently wastes or causes to be wasted any Water with which he is supplied by the said Local Board,

he shall for every such Offence forfeit a Sum not exceeding *Five Pounds*, and a further Penalty of *Twenty Shillings* for each Day during

during which the Offence is committed after written Notice in that Behalf has been given to him:

Second,—As to fouling Water:

(1.) If any Person bathes in any Stream, Reservoir, Conduit, Aqueduct, or other Waterworks belonging to or under the Management of the Local Board:

(2.) Washes, cleanses, throws, or causes to enter in any such Stream, Reservoir, Conduit, or other Waterworks, any Animal, Rubbish, Filth, Stuff, or Thing of any kind whatsoever, or causes or permits or suffers to run or be brought therein the Water of any Sink, Sewer, Drain, Engine, or Boiler, or other filthy, unwholesome, or improper Water:

(3.) Does anything whatsoever whereby any Water belonging to the Local Board may be fouled,

he shall for every such Offence forfeit a Sum not exceeding *Five Pounds*, and a further Sum of *Twenty Shillings* for each Day during which the Offence is continued after written Notice in that Behalf has been given to him:

Third—As to fouling Water with Gas:

If any Person, being Proprietor of any Gasworks, or engaged in the Manufacture or Supply of Gas, causes or suffers to be brought or to flow into any Stream, Reservoir, Conduit, Aqueduct, or Waterworks belonging to or under the Management of the Local Board, or into any Drain or Pipe communicating therewith, any Washing or other Substance produced in the Manufacture or Supply of Gas, or wilfully does any Act connected with the Manufacture or Supply of Gas whereby the Water in any such Stream, Reservoir, Aqueduct, or Waterworks is fouled,

he shall for every such Offence incur a Penalty not exceeding *Two hundred Pounds*, and after Notice in Writing has been given to him by the Local Board, a further Sum of *Twenty Pounds* for every Day during which the Offence is continued, or during the Continuance of the Act whereby the Water is fouled; and every such Penalty shall be recoverable, with full Costs of Suit, by Action of Debt; and if any Water supplied by, belonging to, or under the Management or Control of the said Local Board is fouled in any Manner by the Gas of any such Proprietor or Person as last aforesaid, he shall for every such Offence incur a Penalty not exceeding *Twenty Pounds*, and a further Sum not exceeding *Ten Pounds* for every Day whilst the Offence is continued after Notice has been given to him by the Local Board; and for the Purpose of ascertaining whether such Water is fouled by the Gas of any such Proprietor or Person

Person the Local Board may, upon giving *Twenty-four* Hours Notice of their Intention, lay open and examine any Pipes, Conduits, and Works from which the Gas is supposed to escape; and if upon such Examination it appears that the Water has been fouled by the Gas proceeding from or contained in the Pipes, Conduits, or Works examined, the Expenses of the Examination shall be paid and borne by the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, and be recoverable from him in the summary Manner herein-after provided; but if it appear that the Water has not been so fouled, then such Expenses, and all Damages occasioned by the Examination, shall be paid by the Local Board out of the General District Rates levied under this Act, and be recoverable from them in the summary Manner herein-after provided.

Watching.

Incorporation of Provisions of Towns Police Clauses Act, 1847.

102. The Local Board of Health may cause their District to be properly watched, and for this Purpose the Provisions of the Towns Police Clauses Act, 1847,

With respect to the Appointment, and the Powers, Duties, and Privileges of Constables; and

With respect to Obstructions and Nuisances in the Streets; and

With respect to Fires,

shall be incorporated with this Act.

Lighting.

Regulations as to lighting.

103. The following Regulations shall be made with respect to lighting any District:

(1.) The Local Board may cause all Streets and public Buildings within their District to be lighted with Gas:

(2.) If there is any Company within the District willing to supply such Gas upon reasonable Terms, the Local Board shall contract with such Company for the Supply:

(3.) Any Dispute between the Local Board and any Company as to whether such Terms as aforesaid are reasonable shall be decided by Arbitration in manner hereunto provided:

(4.) In the event of there being no such Company as aforesaid willing to supply such Gas, the Local Board may themselves supply the same:

(5.) In such event as last aforesaid the Local Board may purchase or take on Lease any Gasworks; they may purchase any Land or Easement in respect of Land, and do, and construct, and execute all such Works as may be necessary or proper for the Purpose of furnishing a Supply of Gas for any of

the Purposes herein-before mentioned, and they may carry Pipes for the Distribution of Gas through, across, or under any Turnpike Road, or any Street or Place laid out as or intended for a Street, or under any Cellar or Vault which may be under the Pavement or Carriageway of any such Street or intended Street:

(6.) Whenever any Local Board have themselves undertaken to supply Gas to their District, they may furnish the same to to any private House or for any trading or manufacturing Purpose:

(7.) The Expense of furnishing a Supply for Gas for lighting the Streets and public Buildings shall be paid out of the General District Rate herein-after mentioned, and the Expense of furnishing such Supply to any private House or for any manufacturing or trading Purposes shall be defrayed by Gas Rents to be levied on the Persons requiring such Supply:

(8.) All such Gas Rents as aforesaid shall be paid and recovered in manner provided by the Provisions of the Gasworks Clauses Act, 1847 with respect to the Payment and Recovery of Rents for Gas, and such Provisions shall, for the Purposes aforesaid, be incorporated with this Act:

(9.) Any Profits made by the Local Board by the Exercise of the Powers given them by this Section shall be accounted for in the same Manner and be applied to the same Purposes in and to which the General District Rate is herein-after declared to be accounted for and applicable:

Slaughter-houses.

Rules as to Slaughter-houses.
11 & 12 Vict. c. 63. ss. 71, 72.

104. The following Rules shall be observed with respect to Slaughter-houses:

(1.) The Local Board may license such Slaughter-houses as they from Time to Time think proper within the District:

(2.) No Place shall be used or occupied as a Slaughter-house within the District which was not in such Use and Occupation at the Date of the Constitution of the District, and has so continued ever since, unless and until a Licence for the Erection thereof, or for the Use and Occupation thereof as a Slaughter-house, has been obtained from the Local Board; and every Person who, without having first obtained such Licence as aforesaid, uses as a Slaughter-house any Place within the District not used as such at the Time of the constituting of the District, and so continued to be used ever since, shall for each Offence incur a Penalty not exceeding

exceeding *Five Pounds*, and a like Penalty for every Day after the Conviction for such Offence upon which the said Offence is continued:

(3.) Every Place within the District which has previously to the Date of the Constitution thereof been used as a Slaughter-house shall, within *Three* Months after such last-mentioned Date, or, in the Case of a Place first used as a Slaughter-house, after the Date of the Constitution of the District, previously to the Commencement of such Use, be registered by the Owner or Occupier thereof at the Office of the Local Board in a Book to be kept by them for that Purpose; and every Person who uses or suffers to be used any such Place as a Slaughter-house without its being registered, in compliance with this Section, shall incur a Penalty not exceeding *Five Pounds* for such Offence, and a Penalty not exceeding *Ten Shillings* for every Day after the First Day during which such Place shall be used as a Slaughter-house without having been so registered:

(4.) The Local Board may from Time to Time erect a Slaughter-house on any Land belonging to them, or set apart and improve any Buildings belonging to them for a Slaughter-house:

(5.) As soon as such Buildings are fit for Public Use, the Local Board shall give Public Notice thereof—

(a.) By Advertisement in some One or more of the Newspapers published in the County in which the District is situate, and

(b.) By causing a Copy of such Notice to be affixed to the principal Doors of every Church and Chapel in the District:

(6.) After the Expiration of *Ten* Days from the Publication and posting of such Notice as aforesaid, no Person shall slaughter any Cattle, or dress any Carcase for Sale as Human Food, in any Place within the District, other than—

(a.) A Slaughter-house which was in use as such before and at the Time of the Constitution of the District; or,

(b.) Slaughter-houses provided in pursuance of this Act:

And every Person who shall after such Notice as aforesaid slaughter any Cattle, or dress for Sale any Carcase within the District, in any Place not authorized by this Act, shall incur a Penalty for every Offence not exceeding *Two Pounds*.

(7.) The Local Board may make Byelaws—

With respect to the Management of and Charges for the Use of any Slaughter-house so provided by them, and with respect to the Inspection of all Slaughter-houses whatever within their District, and for keeping the same in a wholesome State:

(8.) The Local Board may purchase any Land or Easement in respect of Land necessary for carrying into Effect the Objects of this Section, subject to the Regulations herein-after contained.

Markets and Fairs.

Power of Local Board to establish Markets and Fairs.

105. The Local Board shall have Power to be the following Things or any of them, within their District:

To construct a Market House and other Conveniences for the Purpose of holding Markets and Fairs:

To provide Houses and Places for weighing Carts:

To make convenient Approaches to such Market or Fair:

To provide all such Matters and Things as may be necessary for the convenient Use of such Market or Fair:

To purchase Land for any of the foregoing Purposes:

To take Stallages, Rents, and Tolls in respect of the Use by any Person of such Market House and Slaughter-houses:

But no Market or Fair shall be established in pursuance of this Section so as to interfere with any Rights, Powers, or Privileges enjoyed within the District by any Person chartered, Joint Stock, or incorporated Company without his or their Consent.

Incorporation of Provisions of the Markets and Fairs Clauses Act, 1847.

106. For the Purpose of enabling any Local Board to establish Markets or Fairs, in manner aforesaid, there shall be incorporated with this Act the Provisions of "The Markets and Fairs Clauses Act, 1847," with respect to the following Things:

With respect to the holding of the Market or Fair, and the Protection thereof, and

With respect to the weighing Goods and Carts, and

With respect to the Stallages, Rents, and Tolls, and

With respect to Byelaws,

subject to this Proviso, that all Tolls leviable by the Local Board in Pursuance of this Section shall be approved by One of Her Majesty's Principal Secretaries of State.

Pleasure

Pleasure Grounds.

107. The Local Board may hold, purchase by Agreement, maintain, lay out, plant, and improve Land for the Purpose of being used as public Walks or Pleasure Grounds, and support or contribute towards any Premises provided for such Purposes by any Person whomsoever. Local Board may provide Places of public Recreation, &c. 11 & 12 Vict. c. 63. s. 74.

Purchase of Land.

108. The following Regulations shall be observed with respect to the Purchase of Land by Local Boards; (that is to say,) Regulations as to the Purchase of Land.

(1.) The Lands Clauses Consolidation Act, 1845, shall be incorporated with this Act:

(2.) The Local Board shall not put in force any of the Powers of the said Lands Clauses Consolidation Act in relation to the compulsory taking of Land except with the Sanction of the Court of Quarter Sessions, such Sanction to be obtained by the Local Board desirous of taking such Land in manner herein-after mentioned:

(3.) The Local Board shall not be entitled to apply for any such Sanction as aforesaid or to take any Land compulsorily in any Case where it is herein-before expressed that they are to purchase Lands by Agreement.

109. Every Local Board, before applying for the Sanction of the Court of Quarter Sessions, shall do as follows; (that is to say,) Publication of Notices.

Publish once at the least in each of *Three* consecutive Weeks in One of the Newspapers circulating in the District an Advertisement describing shortly the Nature of the Undertaking in respect of which the Land is proposed to be taken, naming a Place where a Plan of the proposed Undertaking may be seen at all reasonable Hours, and stating the Quantity of Land that they require for the aforesaid Purposes, and the Day and the Place at and on which the Application for such Sanction as aforesaid is to be made:

Serve a Notice in manner herein-after mentioned on the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Land intended to be taken, such Service to be made *Three* Weeks previously to the Week in which the Sessions are holden at which such Application is intended to be made; and such Notice to state the Particulars of the Land so required, that the Local Board are willing to treat for the Purchase thereof, and as to the Compensation to be made to all Parties for the Damage that may be sustained by them by reason of the proposed Undertaking:

And it shall be lawful for any Person upon whom Notice is so served as aforesaid, and also for any Person who or whose Property may be injuriously affected by the proposed Undertaking to appear at the Sessions, and by himself or his Counsel, or Attorney in Cases where Attornies are allowed to be heard, to oppose any Application that may be made by any Local Board for the Sanction of the Justices, and to support such Opposition by such Evidence as he thinks fit.

Services of Notices.

110. Service of the Notices mentioned in the foregoing Section may be made as follows:

By Delivery of the same personally to the Party required to be served, or, if such Party is absent Abroad, to his Agent; or

By leaving the same at the usual or last known Place of Abode of such Party as aforesaid; or

By forwarding the same by Post in a registered Letter addressed to the usual or last known Place of Abode of such Party.

Evidence of Publication and Service of Notices.

111. In proving such Publication as aforesaid in the Newspaper, it shall be sufficient to produce printed Copies of the required Newspapers purporting to bear Date in each of such *Three* consecutive Weeks as aforesaid, and containing such Notice as is herein-before mentioned in that Behalf; and in proving the Service of such Notices as aforesaid the written Acknowledgment of the Party required to be served shall be sufficient Evidence of such Service having been made; and in case of a Notice forwarded by Post in a registered Letter, the Production of the Post Office Receipt for such Letter shall, unless it appears that such Letter was returned by the Post Office undelivered, be sufficient Evidence of the due Delivery of such Letter.

Justices to decide after hearing both Sides.

112. The Justices assembled at such Court of Sessions as aforesaid may, after Proof of the Publication and Service of such Notices as aforesaid, and after hearing the Application of the Local Board, and anything alleged in opposition thereto, either give or withhold their Sanction, or may, with the Consent of such Local Board, grant their Sanction, upon such Terms and Conditions as they think fit; and any Decision so made by the Justices shall be binding on the said Local Board.

Local Board on obtaining Sanction of Court may enforce Act.

113. The Local Board, in the event of their obtaining the Sanction of the Court of Quarter Sessions may proceed to put in force the Powers of the said Lands Clauses Consolidation Act, 1845, in relation to the compulsory taking of Land.

Private Expenses.

114. The following Rules shall be observed with respect to the Recovery of the Expenses herein-before declared to be Private Expenses: Rules as to Private Expenses. 11 & 12 Vict. c. 63. s. 90.

(1.) Private Expenses shall carry Interest at the Rate of *Five Pounds* per Cent. from the Time at which the same are incurred:

(2.) Private Expenses shall be a Charge on the Premises in respect of which they have been incurred, and shall in the Case of Premises in the Occupation of any Person be payable by the Occupier, but in the Case of unoccupied Premises be payable by the Owner:

(3.) The Local Board may appoint the Times at which the Principal and Interest due in respect of Private Expenses are respectively to be paid, with this Limitation, that the whole Amount of such Principal and Interest shall be paid off within the Period of *Thirty* Years from the Time at which such Expenses were incurred.

115. The following Deductions shall be allowed to Occupiers in respect of Payments made on account of Private Expenses: Deductions in respect of Private Expenses. 11 & 12 Vict. c. 63. s. 91.

(1.) Every Occupier holding at a Rackrent shall be entitled to deduct from the Rent payable to his immediate Landlord *Three Fourths* of the Amount paid by such Occupier in respect of Private Expenses:

(2.) Every Occupier holding at a Rent less than Rackrent shall be entitled to deduct from the Rent payable to his immediate Landlord such Proportion of *Three Fourths* of the Rent as his Rent bears to the Rackrent:

(3.) If the immediate Landlord is himself liable to the Payment of Rent for the Premises in respect of which the Deduction is made, and holds the same for a Term of which less than *Twenty* Years is unexpired, he may deduct from the Rent so payable by him such Proportion of the Sum deducted from the Rent payable to him as the Rent payable by him bears to the Rent payable to him, and a like Deduction may be made by every Landlord in succession holding for a Term of which less than *Twenty* Years is unexpired of the same Premises, both receiving and liable to pay Rent in respect thereof; but nothing herein contained shall be construed to entitle any Person to deduct from the Rent payable by him more than the whole Sum deducted from the Rent payable to him.

116. At any Time before the Expiration of the Period for which any Charge for Private Expenses is made, the Owner or Occupier of the Reduction of Charge for Private Expenses. 11 & 12 Vict. c. 63. s. 92.

the Premises charged therewith may redeem the same, by paying to the Local Board the Expenses in respect of which the Charge was made, or such Part thereof as may not have been defrayed by Sums already paid in respect of the same.

General District Rate.

General Expenses to be defrayed out of General District Rate.

117. All Expenses incurred by any Local Board which are not herein-before specially provided for, shall be defrayed by a Rate, to be called the General District Rate, and to be levied from Time to Time by the Local Board as Occasion requires.

Regulations as to General District Rate.

118. The following Regulations shall be observed with respect to General District Rates; that is to say,

First—As to the Incidence of the Rate:

11 & 12 Vict. c. 63. s. 88.

(1.) Subject to the Exceptions herein-after mentioned, the General District Rate shall be a Tax upon the Occupiers of all Property situate within the District, and assessable to any Rate for the Relief of the Poor in proportion to the net annual Value of such Property:

(2.) The net annual Value of any Property shall be ascertained by the Rate, if any, for the Relief of the Poor last made, allowed, and published before the making of the Assessment under this Act:

(3.) For the Purpose of assessing the General District Rate, any Person appointed by the Local Board may inspect, take Copies of or make Extracts from, any Rate for the Relief of the Poor within the District; and if any Officer having the Custody of such last-mentioned Rate refuses to permit any such Inspection or the taking of any such Copies or Extract, he shall for each Offence incur a Penalty not exceeding *Five Pounds*:

(4.) If there is no such Rate as aforesaid for the Relief of the Poor by Reference to which such net annual Value can be estimated, an Estimate shall be made by a Person appointed by the Local Board for that Purpose, in manner, as near as Circumstances will permit, prescribed by an Act passed in the Seventh Year of the Reign of King William the Fourth, intituled "An Act to regulate Parochial Assessments," or any other Act for the Time being in force for regulating Parochial Assessments:

11 & 12 Vict. c. 63. s. 101.

(5.) Whenever the Name of any Owner or Occupier liable to be rated under this Act is not known to the Local Board of Health, it shall be sufficient to assess and designate him in

in the Rate as "the Owner" or "the Occupier" of the Premises in respect of which the Assessment is made, without further Description:

(6.) The above Rules shall be subject to the following Exceptions; that is to say, 11 & 12 Vict. c. 93. s. 93.

(*a.*) The Owner, instead of the Occupier, shall be rated in Cases—

Where the net annual Value of any Premises liable to Assessment under this Act does not exceed the Sum of *Ten Pounds*; or

Where any Premises liable to an Assessment are let to Weekly or Monthly Tenants; or

Where any Premises so liable as aforesaid are let in separate Apartments, and the Rents become payable or are collected at any shorter Period than quarterly:

(*b.*) The Occupier of any Land used as Arable, Meadow, or Pasture Ground only, or as Woodlands, Market Gardens, or Nursery Grounds, and the Occupier of any Land covered with Water, or used only as a Canal or Towing-path for the same, or as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, shall be assessed in respect of the same in the Proportion of *One Fourth* Part only of such net annual Value thereof: 11 & 12 Vict. c. 61. s. 88.

(7.) A General District Rate may be raised retrospectively for the Purpose of paying any Charges or Expenses which may have been incurred at any Time within *Six* Months before the making of the Rate: 11 & 12 Vict. c. 63. s. 89.

(8.) If at the Time of making any General District Rate any Premises in respect of which the Rate is made are unoccupied, such Premises shall be included in the Rate, but the Rate shall not be charged upon any Person in respect of the same whilst they continue to be unoccupied; but if any such Premises are afterwards occupied during any Part of the Period for which the Rate is made, and before the same has been fully paid, the Name of the incoming Tenant shall be inserted in the Rate, and thereupon so much of the Rate as at the Commencement of his Tenancy may be in proportion to the Remainder of the said Period shall be collected, recovered, and paid in the same Manner in all respects as if the Premises had been occupied at the Time when the Rate was made: 11 & 12 Vict c. 63. s. 89.

11 & 12 Vict. c. 73. s. 89.

(9.) If any Owner or Occupier assessed or liable to any such Rate ceases to be Owner or Occupier of the Premises in respect whereof he is so assessed or liable before the End of the Period for which the Rate is made, and before the same is fully paid off, he shall be liable to pay only such Part of the Rate as may be in proportion to the Time during which he continues to be such Owner or Occupier; and in every such Case, if any Person afterwards become Owner or Occupier of the Premises during Part of the said Period, he shall pay such Part of the Rate as shall be in proportion to the Time during which he continues to be such Owner or Occupier, and the same shall be recovered from him in the same Manner as if he had been originally assessed or liable:

Secondly—As to Estimate and Notice of Rate:

11 & 12 Vict. c. 63. s. 98.

(10.) The Local Board of Health, before proceeding to make any General District Rate under this Act, shall cause an Estimate to be prepared of the Money required for the Purposes in respect of which the Rate is to be made, showing the several Sums required for each of such Purposes, the rateable Value of the Property assessable, and the Amount of Rate which for those Purposes it is necessary to make upon each Pound of such Value; and the Estimate so made shall forthwith, after being approved of by the said Local Board, be entered in the Rate Book, and be kept at their Office, open to public Inspection during Office Hours thereat:

11 & 12 Vict. c. 63. s. 99.

(11.) Public Notice of their Intention to make any General District Rate, and of the Time at which it is intended to make the same, and of the Place where a Statement of the proposed Rate is deposited for Inspection, shall be given by the Local Board at least *Seven* Days before the Day on which the Rate is intended to be made; but in case of Proceedings to levy or recover any Rate it shall not be necessary to prove that such Notice was given.

Thirdly—As to Inspection and Amendment of Rate:

11 & 12 Vict. c. 63. s. 100.

(12.) Any Person interested in or assessed to any Rate made under this Act may inspect the same, and any Estimate made previously thereto, and may take Copies of or Extracts therefrom, without Fee or Reward; and whosoever, having the Custody of such Estimate or Rate, refuses to allow or does not permit such Inspection, or such Copies or Extracts to be taken, shall for every such Offence be liable to a Penalty not exceeding *Five Pounds*:

(13.) The

(13.) The Local Board may from Time to Time amend any Rate made in pursuance of this Act in manner following: 11 & 12 Vict. c. 63. s. 102.

By inserting therein the Name of any Person claiming and entitled to have his Name inserted;

By inserting the Name of any Person who ought to have been assessed;

By striking out the Name of any Person who ought not to have been assessed;

By raising or reducing the Sum at which any Person has been assessed, if it appear to the said Local Board that he has been under-rated or over-rated;

By making any other Alteration which will make the Rate conformable to the Provisions of this Act:

And no Amendment so made shall be held to avoid the Rate:

(14.) Any Person who feels himself aggrieved by any such Amendment as aforesaid shall have the same Right of Appeal therefrom as he would have had if the Matter of Amendment had appeared on the Rate originally made; and with respect to him the amended Rate shall be considered to have been made at the Time when he first received Notice of the Amendment; and in the Case of any Person the Amount of whose Rate is increased by the Amendment, or whose Name is thereby newly inserted as aforesaid, the Rate shall not be payable by him until *Seven* Days after such Notice has been given to him:

Fourthly—As to Publication of Rate:

(15.) All Rates made or collected under the Authority of this Act shall be published in the same Manner as Poor Rates, and shall commence and be payable at such Time or Times, and shall be made in such Manner and Form, and be collected by such Persons, and either together or separately, or with any other Rate or Tax, as the Local Board from Time to Time appoints: 11 & 12 Vict. c. 63. s. 103.

Fifthly—As to the Remedies for Rate:

(16.) If any Person assessed to any such Rate fail to pay the same when due, and for the Space of *Fourteen* Days after the same has been lawfully demanded in Writing, any Justice may summon the Defaulter to appear before him or any other Justice, at a Time and Place to be mentioned in the Summons, to show Cause why the Rate in arrear 11 & 12 Vict. c. 63. s. 103.

should not be paid; and in case the Defaulter fails to appear according to the Exigency of the Summons, or no sufficient Cause for Nonpayment is shown, the Justice may, by Warrant under his Hand and Seal, cause the same to be levied by Distress of the Goods and Chattels of the Defaulter:

11 & 12 Vict. c. 63. s. 103.

(17.) If no Distress sufficient to satisfy the Amount can be found within the Jurisdiction of the Justice by whom such Warrant is granted, and it so appears upon Oath before a Justice of any other County or Jurisdiction in which any Goods or Chattels of the Defaulter may be, the last-mentioned Justice shall indorse his Signature upon the said Warrant, and thereupon the Amount to be levied, or so much thereof as may be unsatisfied, shall be levied of the last-mentioned Goods and Chattels, in the same Manner as if the Defaulter had been assessed in the last-mentioned County:

11 & 12 Vict. c. 63. s. 103.

(18.) If any Person quits or is about to quit any Premises without Payment of any Rate then due from him in respect of such Premises under this Act, and refuses to pay the same, after lawful Demand thereof in Writing, any Justice having Jurisdiction where such Person resides or his Goods are found may summon him to appear, at a Time and Place to be mentioned in the Summons, to show Cause why the Rate so due should not be paid; and in case the Defaulter fails to appear, or no sufficient Cause for Nonpayment be shown, the Justice may, by Warrant under his Hand and Seal, cause the Sum to be levied by Distress of the Goods and Chattels of the Defaulter:

(19.) The Costs of the Levy of Arrears of the General District Rates may be included in the Warrant for such Levy.

Sixthly—As to appeal against Rate:

(20.) Any Person may appeal against Rates upon the Terms and in the Manner in and upon which a Person may appeal against a Rate for the Relief of the Poor:

Seventhly—As to Evidence of Rate:

11 & 12 Vict. c. 63. s. 106.

The Production of the Books purporting to contain any Rate or Assessment made under this Act shall alone, and without any other Evidence whatsoever, be received as primâ facie Evidence of the making and Validity of the Rates mentioned therein.

Parts of District may be separately assessed. 11 & 12 Vict. c. 63. s. 89.

119. The Local Board may from Time to Time divide their District, or any Street therein, into One or more Parts, for all or any of

of the Purposes of this Act, and make a separate Assessment upon any such Part for and in respect of all or any of the Purposes for which the same is formed: Provided always, that if any Expenses are incurred or to be incurred in respect of Two or more Parts of a District in common the same shall be apportioned between them in a fair and equitable Manner.

Allowance to be made in case of new Sewer. 11 & 12 Vict c. 63. s. 89.

120. Whenever any new Sewer is constructed, if it appears to the Local Board that any Premises were sufficiently drained before the same is made, they shall deduct from the Amount of Rates otherwise chargeable in respect of such Premises such a Sum and for such Time as the Local Board may, under all the Circumstances of the Case, deem to be just.

Mortgage of Rates.

Mortgage of Rates. 11 & 12 Vict. c. 63. s. 107.

121. The Local Board of Health may, for the Purpose of defraying any Costs, Charges, and Expenses incurred or to be incurred by them in the Execution of this Act, borrow and take up at Interest, on the Credit of the Charges and Rates authorized to be made or collected under this Act, any Sums of Money necessary for defraying any such Costs, Charges, and Expenses; and for the Purpose of securing the Repayment of any Sums so borrowed, together with such Interest as aforesaid, the said Local Board may mortgage and assign over to the Persons by or on behalf of whom such Sums are advanced the said Charges and Rates, or any of them; but the Exercise of the above Power shall be subject to the following Regulations:

(1.) Such Mortgages shall be approved by the General Board:

(2.) The Money so borrowed shall not at any Time exceed in the whole the assessable Value for *Two* Years of the Premises assessable within the District in respect of which such Money may be borrowed:

(3.) Any Sum so borrowed may, by Agreement with the Mortgagee, be paid off by equal annual Instalments of Principal and Interest, and such borrowing may be for such Time, not exceeding *Thirty* Years, as the Local Board, with the Sanction of the General Board of Health, determine in each Case:

In Cases where the Local Board borrow any Money for the Purpose of defraying Private Expenses, or Expenses in respect of which they have determined a Part only of the District to be liable, it shall be the Duty of the Local Board, as between the Ratepayers of the District, to make good, so far as they can, the Money so borrowed, as Occasion requires, either out of the Charges herein-before authorized to be created for the Liquidation of Private Expenses, or out of a Rate levied in such Part of the District as aforesaid.

Commissioners of Public Works may make Advances to LocalBoards, under 14 & 15 Vict. c. 23. 11 & 12 Vict. s. 63. s. 108.

122. The Commissioners acting in the Execution of an Act passed in the Session holden in the Fourteenth and Fifteenth Years of Her Majesty's Reign, Chapter Twenty-three, intituled "An Act to "authorize for a further Period the Advance of Money out of the "Consolidated Fund to a limited Amount for carrying on Public "Works and Fisheries and Employment of the Poor," and in the Execution of any of the Acts recited in that Act, or of any Act or Acts for amending or continuing the same Acts or any of them, may, if they think fit, make Advances to the Local Board of any District for the Purposes of this Act, upon the Security of the Rates to be levied by such Board under this Act, and without requiring any further or other Security than a Mortgage of such Rate; and such Securities shall be made in manner directed by an Act passed in the Session holden in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Forty; and such last-mentioned Act shall for the Purposes of such Loan be construed as if Reference had been made therein to this Act, instead of to the Public Health Act, 1848.

Money may be borrowed at lower Rates of Interest, to pay off Securities bearing a higher Rate. 11 & 12 Vict. c. 63. s. 109.

123. If the Local Board can at any Time borrow at a lower Rate of Interest than that secured by any Mortgage previously made by them, and then outstanding and in force, they may, if they think fit, so borrow accordingly, in order to pay off and discharge any of the Securities bearing a higher Rate of Interest, and may charge the Rates which they may be authorized to mortgage under this Act with Payment of the Sum so borrowed, together with the Interest thereon, in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed upon Mortgage.

Power to borrow Money to pay off former Mortgages. 11 & 12 Vict. c. 63. s. 110.

124. If at the Time appointed by any Mortgage Deed for Payment of the Principal Money secured thereby the Local Board are unable to pay off the same, they may, if they think fit, borrow such Sum of Money as may be necessary for the Purpose of paying off the whole or any Part of the said Principal Monies, and may secure the Repayment of the same, and the Interest to be paid thereon, in the same Manner in all respects as in the Case of Monies borrowed for defraying Costs, Charges, and Expenses incurred by the Local Board in the Execution of this Act.

Incorporation of certain Provisions of the Commissioners Clauses Act, 1847.

125. The Provisions of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed to the Commissioners, shall be incorporated in this Act.

Mortgagees not to have Priority.

126. Every Mortgagee shall be repaid the Sums advanced, with Interest, without any Preference the one over the other by reason of any Priority of Advance or of the Date of his Mortgage.

127. If

Mortgagees may apply for Receiver.

127. If any Principal Money or Interest is unpaid, after the Expiration of *Six* Months from the Time when the same has become due, upon any Mortgage under this Act, the Mortgagees may enforce the Payment of the Arrears so due by the Appointment of a Receiver, in the Manner expressed in the said incorporated Clauses of the said Commissioners Clauses Act, 1847.

Audit of Accounts.

As to Audit of Accounts. 11 & 12 Vict. c. 63. s. 122.

128. The Accounts of the Receipts and Expenditure of the Local Board shall be audited and examined once in every Year at the least, at such Time or Times as may be appointed by such Local Board,—

In case of a Corporate Borough, by the Auditors of the Corporate Borough;

In case of a District exclusively consisting of the whole or Part of Two or more Corporate Boroughs, or of One or more of such Boroughs, and also of Part of any such Borough or Boroughs, by such Two of the Auditors for the Time being of the Corporate Boroughs respectively whereof the whole or Part is within such District as may from Time to Time be appointed by the Local Board;

In case of any other District, by the Auditor of Accounts relating to the Relief of the Poor for the District for the Audit of such Accounts, or for the Parish or Union in which such District under this Act is comprised, or if any District under this Act is partly situate in Two or more Parishes, Unions, or Districts for the Audit of Accounts, by such One of the Auditors for the Time being of the Parishes, Unions, or Districts for the Audit of Accounts (whereof the whole or Part is within such District under this Act) as may from Time to Time be appointed by the Local Board of Health:

Power to Auditor to require Production of Books, &c.

And for the Purposes of any Audit and Examination of Accounts under this Act, every such Auditors or Auditor may, by Summons in Writing, require the Production before him of all Books, Deeds, Contracts, Accounts, Vouchers, and all other Documents and Papers which they or he may deem necessary, and may require any Person holding or accountable for any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers to appear before them or him at any such Audit and Examination, or Adjournment thereof, and to make and sign a Declaration with respect to the same; and if any such Person neglects or refuses so to do, or to produce any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers, or to make or sign such Declaration, he shall be liable for every Neglect or Refusal to a Penalty of *Forty Shillings*, and if he falsely or corruptly makes or signs any such Declaration, knowing the same

Penalty on Persons for Neglect.

to be untrue in any material Particular, he shall be liable to the Penalties inflicted upon Persons guilty of wilful and corrupt Perjury; and all Accounts certified by the Auditors or Auditor acting under this Act shall be final and conclusive to all Intents and Purposes; and such Auditors or Auditor shall in respect of each Audit be paid, by the Local Board, out of the General District Rates levied under this Act, such reasonable Remuneration as they shall from Time to Time by Order in Writing determine and appoint.

Notice of Audit. 11 & 12 Vict. c. 63. s. 122.

129. Before each Audit and Examination of Accounts under this Act, the Clerk shall give *Ten* Days Notice of the Time and Place at which the same will be made, by Advertisement in some One or more of the public Newspapers usually circulated within the District for which the Audit and Examination will be made; and a Copy of the Accounts to be audited and examined shall be deposited in the Office of the Local Board, and be open, during Office Hours thereat, to the Inspection of all Persons interested, for *Seven* Days before the Audit and Examination; and all such Persons shall be at liberty to take Copies of or Extracts from the same, without Fee or Reward.

Report of Auditors. 11 & 12 Vict. c. 63. s. 122.

130. Within *Fourteen* Days after the Audit and Examination has been completed, the Auditors or Auditor shall report upon the Accounts audited and examined, and shall deliver such Report to the Clerk, who shall cause the same to be deposited in the Office of the Local Board, and to be published in some One or more of the public Newspapers usually circulated in the District to which it relates.

General Meeting.

Accounts to be submitted to Meeting.

131. The Local Board shall once in every Year, on such Day as they may appoint, convene a Meeting of the Ratepayers, and submit to them an Account of all Receipts and Disbursements received or made by them during the preceding Year, and the Particulars thereof.

Byelaws.

Byelaws of Local Board not to be in force till confirmed by Secretary of State. 11 & 12 Vict. c. 63. s. 115.

132. All Byelaws made by the Local Board under and for the Purposes of this Act shall be in Writing under their Seal; and the said Local Board may by any such Byelaws impose upon Offenders against the same such reasonable Penalties as they may think fit, not exceeding the Sum of *Five Pounds* for each Offence, and in the Case of a continuing Offence a further Penalty not exceeding the Sum of *Forty Shillings* for each Day after written Notice of the Offence from the said Local Board; and the said Local Board may alter or repeal any

any such Byelaws by any subsequent Byelaws, sealed as last aforesaid: Provided always, that all such Byelaws imposing any Penalty shall be so framed as to allow of the Recovery of any Sum less than the full Amount of the Penalty: Provided also, that no such Byelaws shall be repugnant to the Laws of England or to the Provisions of this Act, and the same shall not be of any Force or Effect unless and until the same be submitted to and confirmed by One of Her Majesty's Principal Secretaries of State, who is hereby empowered to allow or disallow the same, as they may think proper: Provided also, that no such Byelaws shall be confirmed unless Notice of Intention to apply for Confirmation of the same has been given in One or more of the public Newspapers usually circulated within the District to which such Byelaws relate *One Month* at least before the making of such Application; and for *One Month* at least before any such Application a Copy of the proposed Byelaws shall be kept at the Office of the Local Board, and be open during Office Hours thereat to the Inspection of the Ratepayers of the District to which such Byelaws relate, without Fee or Reward, and the Clerk shall furnish every such Ratepayer who shall apply for the same with a Copy thereof or of any Part thereof, on Payment of *Sixpence* for every One hundred Words contained in such Copy.

Notice of Confirmation, &c.

133. All Byelaws made by the Local Board in pursuance of this Act shall be printed, and hung up in the Office of the said Local Board, and Copies thereof shall be delivered to any Ratepayer of the District to which such Byelaws relate, upon his Application for the same.

Byelaws to be printed, &c. 11 & 12 Vict. c. 63. s. 116.

Reporting on Execution of Act.

134. Every Local Board shall make a Report, in such Form as the General Board from Time to Time directs, of all Works executed by them during such Year, of all Sums received and Disbursements made, and of all other such Matters and Things as the General Board directs, and shall send Copies to the General Board and to every Ratepayer in the District.

Accounts to be transmitted to the General Board.

135. The General Board may from Time to Time direct any Superintending Inspector to visit any District, for the Purpose of making Inquiry as to the Execution of this Act, and as soon as possible after the Completion of such Inquiry he shall report the Result in Writing to the General Board.

General Board may inspect Districts.

136. During any Inquiry by a Superintending Inspector under this Act, he may summon before him any Persons whomsoever, and examine them

Superintending Inspectors may

summon Witnesses, call for Plans, Rates, &c. 11 & 12 Vict. c. 63. s. 121.

them upon Oath or otherwise touching any Matter relating to the Purposes of the Inquiry, and he may by any such Summons require any Parochial Officer, or any Officer of or acting under any Corporation, Guardians or Directors of the Poor, and any Commissioner, Trustee, Officer, or Person acting under any Local Act of Parliament in force within the District or Place to which any such Inquiry may relate, to produce before him any Surveys, Plans, Sections, Rate Books, or other like Documents which may by reason of their Office be in their Custody or Control touching any Matter relating to the Purposes of such Inquiry, and such Inspector may examine, inspect, or take Copies of any such Books, Surveys, Plans, Sections, and Documents, or any of them, or Part thereof; and whosoever wilfully disobeys any such Summons, or prevents any such Inspector from examining, inspecting, or taking Copies as last aforesaid, or refuses to answer any Question put to him by such Inspector for the Purposes of the said Inquiry, shall be liable to a Penalty not exceeding *Five Pounds*: Provided always, that no Person shall be required to attend in obedience to any such Summons unless the reasonable Charges of his Attendance have been paid or tendered to him; and no Person shall be required in any Case, in obedience to any such Summons, to travel more than *Ten* Miles from his Place of Abode.

General Board to report to Parliament.

137. The General Board shall report to both Houses of Parliament the Result of all Inquiries made by their Direction into the Execution of this Act.

Arbitration.

Mode of referring to Arbitration. 11 & 12 Vict. c. 63. s. 123.

138. In Cases where any Matter is by this Act authorized or directed to be settled by Arbitration, then, unless both Parties concur in the Appointment of a single Arbitrator, each Party, on the Request of the other, shall appoint an Arbitrator, to whom the Matter may be referred; and every such Appointment, when made on the Behalf of the Local Board, shall be under their Seal, and on the Behalf of any other Party under his Hand, and such Appointment shall be delivered to the Arbitrators, and shall be deemed a Submission to Arbitration by the Parties making the same; and after the making of any such Appointment the same shall not be revoked without the Consent of both Parties, nor shall the Death of either Party operate as a Revocation; and if for the Space of *Fourteen* Days after any such Matter has arisen, and Notice in Writing by one Party who has himself duly appointed an Arbitrator has been given to the other Party, stating the Matter to be referred, and accompanied by a Copy of such Appointment, the Party to whom Notice is given fails to appoint an Arbitrator, the Arbitrator appointed by the Party giving the Notice shall be deemed

to

to be appointed by and shall act on behalf of both Parties; and the Award of any Arbitrator or Arbitrators appointed in pursuance of this Act shall be binding, final, and conclusive upon all Persons and to all Intents and Purposes whatsoever.

Death, &c. of Arbitrator. 11 & 12 Vict. c. 63. s. 124.

139. If before the Determination of any Matter so referred any Arbitrator dies, or refuses or becomes incapable to act, the Party by whom such Arbitrator was appointed may appoint in Writing another Person in his Stead; and if he fails so to do for the Space of *Seven* Days after Notice in Writing from the other Party in that Behalf, the remaining Arbitrator may proceed ex parte; and every Arbitrator so appointed shall have the same Powers and Authorities as were vested in the Arbitrator in whose Stead the Appointment is made; and in case a single Arbitrator dies, or becomes incapable to act, before the making of his Award, or fails to make his Award within *Twenty-one* Days after his Appointment, or within such extended Time, if any, as may have been duly appointed by him for that Purpose, the Matters referred to him shall be again referred to Arbitration under the Provisions of this Act, as if no former Reference had been made.

Appointment of Umpire by the Parties; by Quarter Sessions. 11 & 12 Vict. c. 63. s. 125.

140. In case there is more than One Arbitrator, the Arbitrators shall, before they enter upon the Reference, appoint by Writing under their Hands an Umpire; and if the Person appointed to be Umpire dies or becomes incapable to act, the Arbitrator shall forthwith appoint another Person in his Stead; and in case the Arbitrators neglect or refuse to appoint an Umpire for *Seven* Days after being requested so to do by any Party to the Arbitration, the Court of Quarter Sessions shall, on the Application of any such Party, appoint an Umpire; and the Award of the Umpire shall be binding, final, and conclusive upon all Persons and to all Intents and Purposes whatsoever; and in case the Arbitrators fail to make their Award within *Twenty-one* Days after the Day on which the last of them was appointed, or within such extended Time, if any, as may have been duly appointed by them for that Purpose, the Matters referred shall be determined by the Umpire; and the Provisions of this Act with respect to the Time for making an Award, and with respect to extending to the same in the Case of a single Arbitrator, shall apply to an Umpirage.

Time within which Award must be made. 11 & 12 Vict. c. 63. s. 126.

141. The Time for making an Award under this Act shall not be extended beyond the Period of *Three* Months from the Date of the Submission, or from the Day on which the Umpire has been appointed (as the Case may be).

Power of Arbitrator. 11 & 12 Vict. c. 63. s. 127.

142. Any Arbitrator or Umpire appointed by virtue of this Act may require the Production of such Documents in the Possession or Power of either Party as he may think necessary for determining the Matters referred, and may examine the Parties or their Witnesses on Oath; and the Costs of and consequent upon the Reference shall be in the Discretion of the Arbitrator or of the Umpire; and any Submission to Arbitration under the Provisions of this Act may be made a Rule of any of the Superior Courts, on the Application of any Party thereto.

Declaration to be made by Arbitrator and Umpire. 11 & 12 Vict. c. 63. s. 128.

143. Before any Arbitrator or Umpire enters upon any such Reference as aforesaid, he shall make and subscribe the following Declaration before a Justice of the Peace; (that is to say,)

'I A.B. do solemnly and sincerely declare, That I will faithfully and honestly, and to the best of my Skill and Ability, hear and determine the Matters referred to me under the Public Health Act, 1855.

A.B.'

And such Declaration shall be annexed to the Award when made; and if any Arbitrator or Umpire wilfully acts contrary to such Declaration he shall be guilty of a Misdemeanor.

Recovery of Penalties. 11 & 12 Vict. c. 63. s. 129.

144. In all Cases in which the Amount of any Damages, Costs, or Expenses is by this Act directed to be ascertained or recovered in a summary Manner, the same may be ascertained and recovered before Two Justices, together with such Costs of the Proceedings as the Justices may think proper; and if the Sums adjudged are not paid by the Party against whom the Adjudication is made, the same may be levied by Distress and Sale of his Goods and Chattels, by Warrant under the Hands and Seals of the Justices making the Adjudication; and any Penalty imposed by or under the Authority of this Act, or any Byelaw made under this Act, the Recovery whereof is not otherwise expressly provided for, may, upon Proof on Oath of the Offence in respect of which the Penalty is alleged to have been incurred, be recovered before Two Justices, together with such Costs of the Proceedings as they may think proper; and if the Sums adjudged are not paid by the Party against whom the Adjudication is made, the same may be levied by Distress and Sale of his Goods and Chattels, by Warrant under the Hands and Seals of the Justices making the Adjudication; and all Proceedings for the Recovery of such Damages, Costs, Expenses, and Penalties as aforesaid shall be had in manner directed by an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty Queen Victoria, Chapter Forty-three, intituled "An Act to facilitate the Performance

" of the Duties of Justices of the Peace out of Sessions within " England and Wales with respect to summary Convictions and " Orders."

Appeal to Quarter Sessions.

145. In Cases where any Person is herein-before empowered to appeal to the Court of Quarter Sessions against the Order of any Local Board, he may, at any Time within *Seven* Days next after the making of any such Order, give Notice in Writing to the Local Board that he intends to appeal against such Order to the Court of Quarter Sessions holden next after the Expiration of *Ten* Days next after such Notice, and along with such Notice he shall give a Statement in Writing of the Grounds of the Appeal; and if within *Four* Days next after giving such Notice the Party enter into a Recognizance before some Justice, with Two sufficient Sureties, conditioned to try the Appeal, and abide the Order of the Court, and pay such Costs as may be awarded by the Court thereupon, the Work so appealed against shall not be begun until after the Judgment of the Court upon such Appeal has been given; and such Court, upon due Proof of such Notice, and of such Recognizance having been given and entered into, shall hear and determine the Matter of the Appeal, and shall make such Order thereon, either confirming, quashing, or varying the same, and shall award such Costs to either of the Parties, as the Court in its Discretion thinks fit; but no such Appeal shall be heard unless such Notice and Statement has been given and such Recognizance entered into as aforesaid, and on the Hearing of such Appeal the Appellant shall not go into Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

Notice of Action. 11 & 12 Vict. c. 63. s. 139.

146. No Writ or Process shall be sued out against or served upon any Superintending Inspector, or any Officer or Person acting in his Aid, or under the Direction of the General Board, nor against the Local Board, or any Member thereof, or the Officer of Health, Clerk, Surveyor, Inspector of Nuisances, or other Officer or Person whomsoever acting under the Direction of the said Local Board, for anything done or intended to be done under the Provisions of this Act, until the Expiration of *One Month* next after Notice in Writing has been delivered to them or him, or left at their or his Office or usual Place of Abode, stating the Cause of Action, and the Name and Place of Abode of the intended Plaintiff and of his Attorney or Agent in the Cause; and upon the Trial of any such Action the Plaintiff shall not be permitted to go into Evidence of any Cause of Action which is not stated in the last-mentioned Notice; and unless such Notice is proved the Jury shall find for the Defendant; and every such Action shall be brought

Limitation of Actions.

or

Venue.

General Issue.

Tender of Amends, &c.

Money may be paid into Court.

or commenced within *Six* Months next after the Accrual of the Cause of Action, and not afterwards, and shall be laid and tried in the County or Place where the Cause of Action occurred, and not elsewhere; and the Defendant shall be at liberty to plead the General Issue, and give this Act and all special Matter in Evidence thereunder; and any Person to whom any such Notice of Action is given as aforesaid may tender Amends to the Plaintiff, his Attorney or Agent, at any Time within *One Month* after Service of such Notice, and in case the same is not accepted may plead such Tender in bar, and (by Leave of the Court) with the General Issue or other Plea or Pleas; and if upon Issue joined upon any Plea pleaded to the whole Action the Jury find generally for the Defendant, or if the Plaintiff is nonsuited or discontinues, or if Judgment be given for the Defendant, then the Defendant shall be entitled to full Costs of Suit, and have Judgment accordingly; and in case Amends have not been tendered as aforesaid, or in case the Amends tendered are insufficient, the Defendant may, by Leave of the Court, at any Time before Trial, pay into Court, under Plea, such Sum of Money as he may think proper, and (by the like Leave) may plead the General Issue or other Plea or Pleas.

Persons acting in execution of Act not to be personally liable. 11 & 12 Vict. c. 63. s. 140.

147. No Matter or Thing done or Contract entered into by the Local Board, nor any Matter or Thing done by any Superintending Inspector, or any Member of the said Local Board, or by the Officer of Health, Clerk, Surveyor, Inspector of Nuisances, or other Officer or Person whomsoever acting under the Direction of the said Local Board, shall, if the Matter or Thing were done or the Contract were entered into bonâ fide for the Purpose of executing this Act, subject them or any of them personally to any Action, Liability, Claim, or Demand whatsoever; and any Expense incurred by any such Local Board, Member, Officer of Health, Clerk, Surveyor, Inspector of Nuisances, or other Officer or Person acting as last aforesaid, shall be borne and repaid out of the General District Rates levied under the Authority of this Act.

Miscellaneous.

Entry upon Lands for the Purposes of this Act. 11 & 12 Vict. c. 63. s. 143.

148. The Local Board may enter, examine, and lay open any Lands or Premises whatever, for any Purposes of the Public Health Acts; and in case the Owner or Occupier of such Lands or Premises refuses to permit the same to be so entered upon, examined, or laid open, the Local Board may, upon Notice to such Owner or Occupier, apply to Two Justices for an Order authorizing the Members of such Local Board, and the Superintending Inspector, Surveyor, and Inspector of Nuisances, or any of them, to enter, examine, and

and lay open the said Lands and Premises for the Purposes aforesaid or any of them, and if no sufficient Cause is shown against the same, the said Justices may make an Order authorizing the same accordingly, and thereupon any Superintending Inspector, the Local Board, or any Member thereof, the Surveyor, and Inspector of Nuisances, and any Person authorized by any such Superintending Inspector, Local Board, Surveyor, or Inspector of Nuisances, may, at all reasonable Times between the Hours of *Ten* in the Forenoon and *Four* in the Afternoon, enter, examine, or lay open the Lands or Premises mentioned in such Order, for such of the said Purposes as may be specified in the said Order, without being subject to any Action or Molestation for so doing: Provided always, that, except in case of Emergency, no Entry shall be made or Works commenced under the Powers of this Enactment unless *Twenty-four* Hours at the least previously thereto Notice of the intended Entry, and of the Object thereof, is given to the Occupier of the Premises intended to be entered.

Compensation in case of Damage by Local Board. 11 & 12 Vict. c. 63. s. 144.

149. Full Compensation shall be made, out of the General District Rates to be levied under this Act, to all Persons sustaining any Damage by reason of the Exercise of any of the Powers of this Act; and in case of Dispute as to Amount the same shall be settled by Arbitration in the Manner provided by this Act; or, if the Compensation claimed do not exceed the Sum of *Twenty Pounds*, the same may be ascertained by and recovered before Justices in a summary Manner.

Local Board may allow Owners Time for Repayment of Expenses. 11 & 12 Vict. c. 63. s. 146.

150. In any Case in which the Local Board may have incurred Expenses for the Repayment whereof the Owner of the Premises for or in respect of which the same are incurred is made liable by this Act, the said Local Board may, if they think fit, allow such Owner Time for Repayment, and receive the same by such annual Instalments, not being less than *One Thirtieth* Part of the entire Sum, together with Interest at the Rate of *Five Pounds* in the Hundred upon the Sum from Time to Time remaining upaid, as they, under the Circumstances of each Case, may consider to be just; but although Time for Repayment is allowed as last aforesaid, the Sum due, or so much thereof as may be unpaid, shall from Time to Time, in case of Default in Payment at the Times respectively appointed for Payment, be recoverable in like Manner in all respects as the entire Sum might have been recovered if Time for Repayment had not been allowed.

False Evidence punishable as Perjury. 11 & 12 Vict. c. 63. s. 147.

151. Every Person who, upon any Examination on Oath under the Provisions of this Act, wilfully and corruptly gives false Evidence, shall

shall be liable to the Penalties inflicted upon Persons guilty of wilful and corrupt Perjury.

Penalty for obstructing Officers, defacing Boards, &c.; upon Occupiers preventing Execution of Works.

152. Whosoever wilfully obstructs any Superintending Inspector, or any Member of the Local Board, or any Officer or Person duly employed in the Execution of this Act, or destroys, pulls down, injures, or defaces any Board upon which any Byelaw, Notice, or other Matter is inscribed, shall, if the same were put up by Authority of the Local or General Board, be liable for every such Offence to a Penalty not exceeding *Five Pounds;* and if the Occupier of any Premises prevents the Owner thereof from obeying or carrying into effect the Provisions of this Act, any Justice to whom Application is made in this Behalf shall, by Order in Writing, require such Occupier to permit the Execution of the Works required to be executed, provided that the same appear to such Justice to be such as are necessary for the Purpose of obeying or carrying into effect the Provisions of this Act; and if within a reasonable Time after the making of such Order the Occupier against whom it is made refuses to comply therewith, he shall be liable to a Penalty not exceeding *Five Pounds* for every Day afterwards during the Continuance of such Refusal; and if the Occupier of any Premises, when requested by or on behalf of the Local Board to state the Name of the Owner of the Premises occupied by him, refuses or wilfully omits to disclose or wilfully mis-states the same, any Justice may, on Oath made before him of such Request, and Refusal, Omission, or Mis-statement, summon the Party to appear before him or some other Justice at a Time and Place to be appointed in such Summons, and if after being so summoned he neglects or refuses to attend at the Time and Place so appointed, or if he does not show good Cause for such Refusal, or if such wilful Omission or Mis-statement be proved, the Justice before whom the Party is so summoned may impose upon the Offender a Penalty not exceeding *Five Pounds.*

Occupiers to disclose Owners Name. 11 & 12 Vict. c. 63. s. 148.

Existing Liabilities to make Sewers, &c. not to be discharged. 11 & 12 Vict. c. 63. s. 118.

153. Notwithstanding the Application of this Act to any District the Liability of any Person whomsoever to defray or contribute towards the Expense of making, completing, altering, amending, or maintaining any Sewer, or any Walls or Works for protecting the Land against the Force or Encroachment of the Sea, or of paving or flagging or putting in order any Street or Part thereof within the District, shall, if incurred previously to the Time when this Act is so applied, continue, and the same may be enforced, as if this Act had not been passed, and the Rates to be levied under this Act shall be made only for Purposes to which such Liability does not extend.

154. Where

Notices by Local Board, how to be signed.

154. Where any Notice is required to be given by any Local Board under the Public Health Acts, such Notice shall in all Cases be sufficiently executed if signed by the Clerk to the Local Board; and every Notice purporting to be signed by such Clerk shall be receivable in Evidence in all Courts of Justice, and before all legal Tribunals, and in all legal Proceedings, without any further or other Proof thereof.

Service of Notice upon Local Board; upon Owners and Occupiers. 11 & 12 Vict. c. 63. s. 150.

155. Any Summons, Notice, Writ, or Proceeding of any kind whatsoever to be served upon the Local Board may be so served by being left at or sent through any Post Office, directed to the Local Board, at their Office, or by being delivered there to the Clerk personally; and in all Cases in which any Notice is by this Act required to be given to the Owner or Occupier of any Premises, and in which the Manner of serving such Notice is not herein-before specially prescribed, it shall be sufficient to address the Notice to them by the Description of the "Owner" or "Occupier" (as the Case may require) of the Premises (naming them) in respect of which the Notice is given, without further Name or Description; and the Notice shall be served upon them or One of them, as the Case may require, either personally or by delivering the same to some Inmate of his or their Place of Abode, or in the Case of the Occupier (and also in case of the Owner, if his Place of Abode be unknown,) upon any Inmate of the last-mentioned Premises, or if such Premises be unoccupied, then, in case the Notice is required to be served upon the Occupier, (and in case of the Owner also, if his Residence be unknown,) it shall be sufficient to fix the Notice upon some conspicuous Part of the Premises: Provided in the Case of Notices to the Owner, that, although his Place of Abode is known to the Local Board, yet if it is not within the Limits of their District it shall be sufficient for them to transmit any Notice directed to him by Name, through the Post.

Notices to be binding on Assigns.

156. All Notices required under the Public Health Acts to be served on any Owner or Occupier shall, if due Service thereof has been once made on any Owner or Occupier, be binding on all Persons claiming by, from, or under such Owner or Occupier, to the same Extent as if such Notice had been served on such last-mentioned Persons respectively.

Amendment of clerical Errors in Provisional Order.

157. The General Board of Health may, by Order under their Seal, alter any clerical Errors occurring in any Provisional Order made in pursuance of this Act.

Penalty on Injury to Works, &c. of Local Board.

158. If any Person injures any Works or Materials belonging to any Local Board, he shall incur for every such Offence a Penalty not exceeding *Five Pounds*, to be recovered in a summary Manner.

Powers of Local Boards to apply to Parliament, and charge Costs of Application of Rates.

159. Every Local Board may, with the Approval of the General Board, apply for an Increase of their Powers, and charge all Expenses properly incurred by them in making such Application on the General District Rates leviable by them under this Act.

Exemptions from Stamp Duty.

160. No Advertisement inserted or caused to be inserted by the General or Local Board in the London Gazette or any Paper or Publication under this Act, or for the Purpose of carrying the same into effect, nor any Deed, Award, Submission, Instrument, Contract, Agreement, or Writing, made or executed by the said General or Local Board, their Officers or Servants, under or for the Purposes of this Act, nor any Appointment by the General or Local Board of any Officer or Person under this Act, shall be chargeable with any Stamp Duty whatever.

PART IV.

Repeal.

Repeal of 17 & 18 Vict. c. 95.

161. The Act passed in the Eighteenth Year of the Reign of Her present Majesty, intituled "An Act to make better Provision for the Administration of the Laws relating to the Public Health," shall be repealed from the Date of *the passing of this Act.*

Provision as to Public Health Act, 1848.

162. The Public Health Act, 1848, shall not, after *the passing of this Act*, be applied to any District; but in Cases where, prior to the passing of this Act, a Petition has been presented for the Application of the Public Health Act, 1848, the same Proceedings shall be taken thereon as if such Petition had been presented under this Act.

Application of Act

163. This Act shall apply to England only.

SCHEDULE.

FORM (A.)

In the Matter of the Public Health Act, 1855.

We, the several Persons whose Names are hereunder signed, being Ratepayers of , do hereby require you to call a Meeting of the Ratepayers of aforesaid, for the Purpose of taking into consideration the Adoption of this Act by the said Place.

FORM (B.)

In the Matter of the Public Health Act, 1855.

NOTICE is hereby given that a Meeting of the Ratepayers of in the County of will be held at on the Day of for the Purpose of taking into consideration the Adoption of the above-mentioned Act.

(Signed)
Summoning Officer.

FORM (C.)

In the Matter of the Public Health Act, 1855.

NOTICE is hereby given that the Ratepayers of consented on the Day of to adopt the above-mentioned Act, and that such Act will become Law within such Place at the Expiration of *One Calendar Month* from the said Day of

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FORM (D.)

TO THE GENERAL BOARD OF HEALTH.

In the Matter of the Public Health Act, 1855.

The Petition of the several Persons whose Names are hereunder subscribed,

States,

1. The proposed District is situate in the County of and is bounded on the North by on the East by on the West by and on the South by .

2. The proposed District consists of the following Places; that is to say, .

3. Your Petitioners are at the least *One Tenth* in Number of the Ratepayers belonging to such proposed District.

Your Petitioners therefore humbly pray that the said Public Health Act may be forthwith applied to such District as aforesaid.

FORM E.

Form of Notice as to Houses.

Public Health Act, & Vict. c. Sec. ., 1855.

To the Local Board of Health for the District of .

I do hereby give you Notice, that I intend to (1) . on the following Site, viz.; . and that the Materials of the external Walls will consist of (2) . of in Thickness from the Foundations to the (3) . and of in Thickness from the to the .

The Roof will be covered with .

(1) *Here describe the intended Operation, whether it be,*
To build a new House:
To rebuild a House pulled down to or below the Ground Floor: *or,*
To convert any Building into a House.

(2) *If the Walls are of different Materials, they must be distinguished.*

(3) *Insert the several Heights at which there is intended to be any Variation of Thickness.*

The Level of the Cellar or lowest Floor will be (4) .

The Heights and Dimensions of the several Rooms will be (5) .

The Sizes of the Window Openings of the several Rooms will be (6) .

The Means of Ventilation will be (7) .

The will be situated (8)

The Drainage will consist of (9) .

The Supply of Water will be derived from (10) .

and will be provided

at (11) for the Deposit of dry Refuse.

The open Space attached to the House, and forming Part of the same Premises, will be square Feet, situated (12) .

Dated this Day of .

Name .

Address .

(4) *Insert the Level above or below some fixed accessible Spot.*

(5) *Insert the List of Heights and Dimensions, unless the whole are clearly set forth in accompanying Plans and Sections.*

(6) *Insert List of Sizes for the several Rooms, or the Number of square Feet of Opening proportionate to the cubic Space of each Room.*

(7) *For all Rooms without Fireplaces, describe what Means of Ventilation are proposed.*

(8) *Describe Situation of Watercloset, or state* "as shown on the Plan." *If Privy or Cesspool be proposed, state the Reason why Watercloset cannot be brought into use.*

(9) *Describe Material to be used, and insert all other Particulars not given on the Plans or Sections.*

(10) *If Supply of Water be derived from a Well, describe its Position, either here or on the Plan.*

(11) *State the Position of the Place of Deposit of dry Refuse.*

(12) *Describe whether the open Space or Spaces be at the Front, Back, or Side of House, or* "as shown on the Plan."

FORM F.

Building Notice.

To the Surveyor of the Local Board of Health of

I being the Person engaged in the Execution of the Work of (1) in accordance with the Plan and

(1) *State whether it be the building of a new House, the re-building of a House pulled down, or the Conversion of any Building into a House.*

Particulars approved by the Local Board of Health on the
Day of do hereby give you Notice that (2)
will be complete and ready for Inspection on the Day of
Dated this Day of
Name .
Address .

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(2) *Describe the Stage of the Work which will be ready for Inspection according to the annexed Table.*

Table of the different Stages of the Work of building or rebuilding Houses, or of converting Buildings into Houses, at which Two Days Notice is to be given to the Surveyor of the Works being ready for Inspection :—

1. When the Excavations have been made for the Foundations.
2. When the Drains have been laid in, but not covered up.
3. When the Walls have been carried up to the Ground Floor Level.
4. When the Roof is ready for covering.
5. When the Building is complete.

Form G.

Form of Notice as to Progress of Formation of Streets.

Public Health Act, & Vict. c. Sec. , 1855.

To the Manager of the Local Board of Health of .

I having the Control of the Work at
do hereby give you Notice, that (1) will be complete and ready for Inspection on .
Dated this Day of .
Name .
Address .

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(1) *Here insert the Description of the Work according to the Stage which is approaching Completion, according to the annexed List.*

The Stages of the Work of Formation of Streets at which Notice is to be given to the Surveyor of the Local Board of Health :—

1. The Setting out of the intended Width, Level, and Direction of the proposed Street.
2. The Construction of the Drainage before it is covered in.
3. The Formation of the Road before the Surface Materials are laid.
4. The Completion of the Work,

The Public Health Bill, 1855.

A

BILL

To alter and amend "The Public Health Act 1848."

(*Prepared and brought in by Sir Benjamin Hall and Viscount Palmerston.*)

Ordered, by The House of Commons, *to be Printed,* 29 *January* 1855.

[Bill 15.]

Under 11 *oz.*

The Public Health Bill, 1855.

[AS AMENDED BY THE SELECT COMMITTEE.]

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1. Short Title of Act	
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GENERAL BOARD OF HEALTH, THEIR CONSTITUTION AND POWERS.

6. Constitution of General Board of Health	17 & 18 Vict. c. 95. s. 2.
7. Salary of President of General Board	17 & 18 Vict. c. 95. s. 3.
8. Board to appoint Medical Council	
9. Board to appoint Officers	17 & 18 Vict. c. 95. s. 4.
10. Treasury to fix Salaries	17 & 18 Vict. c. 95. s. 5.
11. Allowances to Superintending Inspectors	
12. General Board to issue Form of Instruments	
13. Penalty upon Inspector interested in Contracts or taking Fees improperly	
14. All Powers, &c. vested in Board may be exercised by the President or any Two Members	17 & 18 Vict. c. 95. s. 6.
15. Salaries, how paid	17 & 18 Vict. c. 95 s. 10.
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17. Definition of "Ratepayer"	1 & 2 W. 4. c. 60. s. 7. 11 & 12 Vict. c. 63. s. 20.
18. Provision as to Ratepayer in Extra-parochial Place	
19. Provisions as to Corporations, &c. voting as Ratepayers	

	Corresponding Clauses in former Acts.
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20. Power for Place to adopt Act	10 Vict. c. 16. s. 27.
21. Act to be adopted by Resolution of Council, Local Board Improvement Commissioners, or Ratepayers	
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23. Application for Meeting of Ratepayers	
24. Notice of Meeting	
25. Meeting to choose Chairman	
26. Rules as to passing Resolutions of Ratepayers	
27. Poll how taken	
28. Penalty for forging of Voting Papers	
29. Provision as to less Place included within the limits of a greater	
Appeal against Adoption of Act.	
30. Appeal against Resolution adopting Act	
31. Petition	
32. Power of General Board on Receipt of Petition	
33. Inspector to give Notice of Inquiry	
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35. Place with an undefined Boundary may petition to have Boundary settled	
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37. Place may adopt Act when Boundary settled	
38. No Appeal by Part of Place	
General Provisions in relation to Adoption.	
39. Notice of Resolution adopting Act	
40. Act when to take effect	
41. Transfer of Powers to Local Board of Health	
42. Consequences of Transfer of Powers and Privileges to Local Board of Health	
43. Effect of Adoption of Act by existing District to which the Public Health Act 1848, has been applied	
44. Power for Place to make further Adoption	
45. Rules as to Objections	
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47. Certain Costs, with Consent of Treasury, to become a Charge upon the General District Rates	11 & 12 Vict. c. 63. s. 11.
48. Power of General Board to send Inspector to a Place	
49. Inspector to give Notice of such Inquiry by Advertisement, &c.	
50. Application of Act by General Board	
51. Costs of preliminary Inquiry, &c., with Consent of Treasury, to become a Charge upon the General District Rates	11 & 12 Vict. c. 63. s. 11.

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56. Proceedings of Local Boards where District is a Borough	
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59. Penalty on Summoning Officer or Chairman	
60. Contracts by Committee or Local Board, how to be entered into	
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63. Penalty on disqualified Member of Local Board acting	
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64. Union of adjoining Districts	
65. Petition for Incorporation of Part of an adjoining Place or for Repeal of Local Acts	
Power for Districts to unite.	
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67. Inspector to give Notice of Inquiry	
68. General Board to prepare, order, and obtain Consent of District	
69. Consents how testified	
70. Provisions as to Meetings of Part of a Place	
71. General Board to obtain Confirmation of Order	
72. As to Powers given by Statute to former Local Boards	
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76. Incorporation of Sections of Commissioners Clauses Act	
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78. Sewers, &c. vested in Local Board	11 & 12 Vict. c. 63. s. 43.
79. Powers of Local Board as to Sewerage within District	11 & 12 Vict. c. 63. s. 45. and 46.
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81. Penalty for making unauthorized Sewers and building over Sewers and under Streets	11 & 12 Vict. c. 63. s. 47.
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83. Regulations as to Drains of existing Houses	
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90. Power of Local Board to make Byelaws	
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93. Penalty on Persons erecting Houses without Waterclosets	11 & 12 Vict. c. 63. s. 51.
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98. Power to make Byelaws with respect to new Houses

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101. Power of Local Board with respect to Turnpike Roads
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103. Penalty on displacing Stones, &c.

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104. Incorporation of Provisions of the Towns Improvement Clauses Act, 1847
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106. Provisions with respect to Supply of Water
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133. Local Board may allow Owners Time for Repayment of Expenses	11 & 12 Vict. c. 63. s. 146.
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138. Incorporation of certain Provisions of the Commissioners Clauses Act, 1847	
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159. Notice of Action	11 & 12 Vict. c. 63. s. 139.
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184. Saving Clause for Proprietors of Canals, &c.	
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SCHEDULE.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Alter and amend "The Public Health Act, 1848."

Note.—*The Clauses marked* A. *to* X. *were added by the Select Committee.*

WHEREAS it is expedient that further Provisions should be made for improving the Condition of populous Places in England: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say, Preamble.

Preliminary.

I. This Act may be cited for all Purposes as "The Public Health Act, 1855." Short Title of Act.

II. This Act shall be divided into Six Parts: Division of Act.

The First Part relating to the General Board of Health, their Constitution and Powers;

The Second Part relating to the Adoption and Application of the Act;

The Third Part relating to the Constitution, Proceedings, and general Powers of Local Boards of Health;

The Fourth Part relating to the special Powers of Local Boards of Health;

The Fifth Part relating to general Provisions;

The Sixth Part relating to the Repeal of former Acts, and the saving of Rights and Liabilities.

Limits of Act.

III. This Act shall not extend to Scotland or Ireland, and it shall not be adopted by or applied to any Place within the Limits of the Metropolis, as defined for the Purpose of the Registration of Births, Deaths, and Marriages, unless the Public Health Act, 1848, has already been applied to such Place.

Interpretation of certain Terms in this Act.

IV. In the Construction and for the Purposes of this Act and of the several Acts incorporated herewith (if not inconsistent with the Context or Subject Matter) the following Terms and Expressions shall have the respective Meanings herein-after assigned to them; that is to say,

"Person:"

The Term "Person" and Words applying to any Individual shall apply to and include Corporations aggregate or sole:

"Owner:"

The Term "Owner" shall mean the Person for the Time being entitled to receive the Rack Rent of the Lands or Premises in connexion with which the Term is used, whether on his own Account or as Trustee for any other Person, or who would be so entitled to receive the same if such Lands or Premises were let at a Rack Rent:

The Expression "The Treasury" shall mean the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the Time being:

"The Treasury:"

"Borough:"

The Term "Borough" shall have in this Act the same Meaning as in an Act passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth, Chapter Seventy-six, and intituled "An Act to provide "for the Regulation of Municipal Corporations in England "and Wales:"

The Term "District" shall mean any Place by which this Act may be adopted, wholly or partially, or to which the same may be applied in manner herein-after mentioned:

"District:"

"Two Justices:"

The Expression "Two Justices" shall mean Two or more Justices assembled and acting together in open Court, or One Stipendiary or Police Magistrate acting in any Police Court, for the District in which the Matter or any Part of the Matter, as the Case may be, requiring the Cognizance of "Two Justices," arises:

The

"Court of Quarter Sessions:" The Expression "Court of Quarter Sessions" shall mean the Court of General or Quarter Sessions of the Peace held for the County, Riding, or Division of the County within which the District or any Part thereof is situate where the Matter requiring the Cognizance of the "Court of General or Quarter Sessions" arises:

"Local Officer:" Whenever the Name of any Officer or Body of Persons having local Jurisdiction in respect of his or their Office, is referred to without Mention of the Locality to which the Jurisdiction extends, such Reference is to be understood to indicate the Officer or Body of Persons having Jurisdiction in that Place within which is situate the Subject Matter to which such Reference applies:

"Public Local Act:" The Expression "Public Local Act" shall mean Provisions in any Local Act (whether forming the whole or a Part thereof) having relation to any of the Purposes of this Act, and not conferring or securing Powers or Privileges upon or to Corporations, Companies, Undertakers, or Individuals for their own pecuniary Benefit:

"Private Local Act:" The Expression "Private Local Act" shall mean Provisions in any Local Act (whether forming the whole or a Part thereof) conferring or securing Powers or Privileges upon or to Corporations, Companies, Undertakers, or Individuals, for their own pecuniary Benefit:

"Improvement Commissioners:" The Expression "Improvement Commissioners" shall mean the Commissioners, Trustees, or other Persons entrusted by any Local Act with Powers of cleansing, paving, or otherwise improving any Town:

"Land:" The Term "Land" shall include Messuages, Buildings, Lands, and Hereditaments of every Tenure, also Rivers, Streams, Wells, and Waters of every Description, also Easements of every Description in respect of the foregoing Particulars:

"Drain:" The Term "Drain" shall mean any Drain of and used for the Drainage of One Building only, or Premises within the same Curtilage, and made merely for the Purpose of communicating therefrom with a Cesspool or other like Receptacle for Drainage, or with a Sewer into which the Drainage of Two or more Buildings or Premises occupied by different Persons is conveyed:

"Sewer:" The Term "Sewer" shall mean and include Sewers and Drains of every Description, except Drains to which the Word "Drain" interpreted as aforesaid applies:

"Slaughter-house:" The Term "Slaughter-house" shall mean and include the Buildings and Places commonly called Slaughter-houses and Knackers Yards,

Yards, and any Building or Place used for slaughtering Cattle, Horses, or Animals of any Description, for Sale:

"Street:" The Term "Street" shall include a Square, Circus, Crescent, Terrace, Place, Row, Mews, Alley, Court, Passage, or other like Place in which the Houses are continuous or separated only by small Intervals of Space:

"Public Street:" The Term "Public Street" shall include any Street as hereinbefore defined that is a Highway repairable at the Public Expense:

"Road." The Term "Road" shall include all such of the following Ways as are not included in the above Definition of a Public Street, and are Highways repairable at the Public Expense; (that is to say,) all Bridges, Footways, Horseways, Driftways, Carriageways, Cartways, Churchways, and other Public Ways, with the Exception of Turnpike Roads and County Bridges, which shall not be included in such Term.

Construction of incorporated Acts. V. In the Construction of the Acts herein-after incorporated with this Act, the Expression "the Special Act" shall mean this Act as brought into operation within the District; the "Limits of the Special Act" shall mean the "Limits of the District;" "the passing of the Special Act" shall mean "the Date of the Constitution of the District as herein-after defined;" and the Local Board shall according to the Tenor of the incorporated Act be deemed to be the "Commissioners," "Town Commissioners," or "Undertakers."

PART I.

General Board of Health, their Constitution and Powers.

Constitution of General Board of Health. 17 & 18 Vict. c. 95. s. 2. VI. The existing General Board of Health, herein-after called "The General Board," shall be continued, and Her Majesty may, from Time to Time, by Warrant under the Royal Sign Manual, appoint a Person to be, during Her Majesty's Pleasure, President of the General Board; and such President and Her Majesty's Principal Secretaries of State for the Time being, and the President and Vice President for the Time being of the Committee of Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations, shall constitute and be the General Board; and during any Vacancy in the said Board the continuing Members thereof may act as if no Vacancy had occurred.

VII. There

Salary of President of General Board. 17 & 18 Vict. c. 95. s. 3.

VII. There shall be paid to the President of the General Board under this Act such Salary, not exceeding Two thousand Pounds per Annum, as may be from Time to Time appointed by the Treasury, but no Salary shall be paid to any other Member of the said Board; and such President shall be capable of being elected and of sitting and voting as a Member of the House of Commons.

Board to appoint Medical Council.

VIII. The General Board may appoint a Medical Council consisting of such Number of Medical Practitioners as the General Board with the Consent of the Treasury may deem expedient. The General Board may assign to such Council such Duties as they think fit; they may remove any Member of such Council, and appoint another qualified Person in his stead; and they may from Time to Time diminish, or, with the Consent of the Treasury, increase the Number of the Medical Council.

Board to appoint Officers. 17 & 18 Vict. c. 95. s. 4.

IX. The General Board may appoint from Time to Time a Medical Officer, a Secretary and Assistant Secretary, and such Clerks and Officers of the said Board, and also so many Superintending Inspectors under such Board, as the Treasury may think fit; they may assign to such Medical Officer, Secretary, Assistant Secretary, Clerk, or Officers, and to any such Superintending Inspector, such Duties as they think fit; and they may remove from his Office any Person mentioned in this Section, and appoint another Officer in his Place.

Treasury to fix Salaries. 17 & 18 Vict. c. 95. s. 5.

X. There shall be paid to the Members of the Medical Council and to the said Medical Officer, Secretary, Assistant Secretary, Clerks, Officers, and Superintending Inspectors, such Fees or Salaries as may from Time to Time be appointed by the Treasury.

Allowances to Superintending Inspectors. 17 & 18 Vict. c. 95. s. 5.

XI. In the Case of any Superintending Inspector, the Commissioners of Her Majesty's Treasury may allow, in addition to his Salary, such reasonable travelling and other Expenses as may be incurred by him in the Performance of the Duties of his Office.

General Board to issue Forms of Instruments.

XII. The General Board may from Time to Time prepare or sanction Forms of the various Notices, Petitions, Instruments, and Papers required by this Act, and may from Time to Time make such Alterations therein as they deem requisite; but they shall, before finally issuing or altering any such Form, give such public Notice thereof as they deem necessary in order to prevent Inconvenience.

Penalty upon Inspector interested in

XIII. No Superintending Inspector employed by the General Board shall in anywise be concerned or interested in any Bargain

Contracts or taking Fees improperly.

or Contract made for the Purposes of this Act; and if any such Inspector is so concerned or interested, or, under colour of his Employment, exacts, takes, or accepts any Fee or Reward whatsoever, other than his proper Salary and Allowances, he shall for each Offence incur a Penalty not exceeding Fifty Pounds.

All Powers, &c. vested in Board may be exercised by the President or any Two Members. 17 & 18 Vict c. 95. s. 6.

XIV. All Powers and Duties vested in the General Board, or which may be hereafter vested in such Board, may be exercised and performed by the President for the Time being of such Board alone, or by any Two or more Members thereof; and all Documents whatever purporting to be issued or written by or under the direction of the General Board, and purporting either to be sealed with the Seal of such Board, or to be signed by One of the Members thereof, or by the Secretary of such Board, shall be received in Evidence, and shall be deemed to be issued or written by or under the direction of the said Board, without further Proof, unless the contrary is shown.

Salaries, how paid. 17 & 18 Vict. c. 95. s. 10.

XV. All Salaries payable under the First Part of this Act, and all incidental Expenses of the General Board, shall be paid out of such Monies as may be provided by Parliament.

Duration of General Board.

XVI. The General Board shall continue for the Period of Two Years next ensuing the Date of the passing of this Act, and from thenceforth until the Expiration of the next Session of Parliament and no longer.

PART II.

Adoption and Application of the Act.

Preliminary.

Definition of "Ratepayer." 1 & 2 W. 4. c. 60. s. 7. 11 & 12 Vict. c. 63. s. 20.

XVII. For the Purpose of doing any Act or enjoying any Privilege within any Place, in pursuance of the Provisions herein-after contained, the Persons herein-after mentioned, and no others, shall be deemed to be Ratepayers, that is to say, Persons who are not in receipt of Parochial Relief, and have also complied with all the following Conditions; (that is to say,)

(1.) Have been rated to the Relief of the Poor of such Place, or of some Part of such Place, for the Year immediately preceding

preceding the Time of their requiring to do such Act, or to enjoy such Privilege; also,

(2.) Have paid all Sums of Money that may be due from them in respect of such Rating, as lastly herein-before mentioned, with the Exception of such Sums as may have accrued due during the Six Months immediately preceding the Time of their requiring to do such Act or to enjoy such Privilege; also,

(3.) In Cases where "The Public Health Act, 1848," or this Act is in Force within such Place, or any Part thereof, have paid all Rates, Charges, and other Sums of Money that may be due from them by virtue of the said Acts, or either of them, with the Exception of such Rates, Charges, and Sums as may have accrued due during the Six Months immediately preceding the Time of their requiring to do such Act or to enjoy such Privilege.

Provision as to Ratepayer in Extra-parochial Place.

XVIII. In Cases where any Person will, if this Act is adopted by any Place, be liable to contribute to the General District Rate hereinafter mentioned, although he is not for the Time being liable to be assessed to any Rate for the Relief of the Poor, by reason of his Property being extra-parochial, such Person may, on making an Application to such Summoning Officer as is herein-after mentioned, and on proving such eventual Liability, be empowered to vote as a Ratepayer in respect of the Adoption of this Act, and he shall, in the event of such Adoption being made, either wholly or partially, and upon Compliance with the Provisions of the last Section, so far as the same are applicable to his Case, have as respects this Act all the Privileges of a Ratepayer.

Provisions as to Corporations, &c. voting as Ratepayers.

XIX. In Cases where a Corporation Aggregate, a Joint Stock or other Company, or any Body of Proprietors or Undertakers, is rated to the Relief of the Poor in respect of any Property belonging to them, such Corporation, Company, Body of Proprietors or Undertakers respectively, shall be deemed to be One Ratepayer for the Purpose of doing any Act or enjoying any Privilege under the Provisions herein contained, and may vote by Proxy, appointed in Writing under the Common Seal in case of a Corporation, or in any other Case under the Hands of Three Directors or other Persons in the Direction or Management of the Company or Concern; but no Member of such Corporation, nor Proprietor or Person interested in such Company or Concern, shall be entitled to act individually as a Ratepayer in respect of such Property.

Adoption of the Act by Places having a known and defined Boundary.

CLAUSE A. Power for Place to adopt Act.

XX. Any Place, having a known or defined Boundary, may adopt this Act; and it shall be competent for such Place to exclude from such Adoption any of the Provisions contained in the Fourth Part of this Act, subject to this Proviso, that it shall not be lawful to exclude a Portion only of the Provisions comprehended under any One Heading.

Act to be adopted by Resolution of Council, Local Board Improvement Commissioners, or Ratepayers.

XXI. The Adoption of this Act, either wholly or partially, shall be testified as follows; (that is to say,)

(1.) In Boroughs to which the Public Health Act, 1848, has not been applied—by a Resolution of the Council assembled at a Meeting held for the Purpose:

(2.) In Districts (including Boroughs) to which the Public Health Act, 1848, has been applied, by a Resolution of the Local Board of Health assembled at a Meeting for the Purpose:

(3.) In Towns under the Jurisdiction of a Board of Improvement Commissioners, a Majority of whom are elected by the Ratepayers, by a Resolution of such Improvement Commissioners assembled at a Meeting held for the Purpose:

(4.) In all other Places by a Resolution of the Ratepayers.

As to Resolution of Council, Local Board of Health, or Improvement Commissioners.

XXII. No Resolution for the Adoption of this Act passed by any Council, Local Board of Health, or Board of Improvement Commissioners, at any Meeting, shall be valid, unless a Month's previous Notice of such Meeting has been given in manner in which Notices of Meetings of such Council, Local Board, or Board of Commissioners are usually given, nor unless Two Thirds of the Members present at the Meeting concur in the Resolution for such Adoption; and it shall be lawful for the Chairman of any such Meeting, with the Consent of a Majority of the Members present, to adjourn the same from Day to Day.

CLAUSE B. Application for Meeting of Ratepayers.

XXIII. In Places not being Boroughs, Districts to which the Public Health Act, 1848, has been applied, or Towns under the Jurisdiction of such Improvement Commissioners as are herein-before mentioned, the following Officers, herein-after included under the Term Summoning Officer, that is to say, the Churchwardens or One of them, or if there are no Churchwardens, the Overseers or One of them, or if there is no such Officer in any of the foregoing Places, or if he neglects, is unable, or refuses to perform the Duties hereby imposed on him, any Person appointed by the General Board, shall, upon an Application

Application being made to him in Writing by any Ten Ratepayers of any such Place, call a Meeting of the Ratepayers of the Place, for the Purpose of taking into consideration the Adoption of this Act.

CLAUSE C. Notice of Meeting.

XXIV. Upon the Receipt of such Application the Summoning Officer shall fix a Time and Place for holding such Meeting, and shall forthwith give Notice thereof,

By Advertisement in some One or more of the Newspapers published in the County in which such Place is situate:

By causing such Notice to be affixed to the principal Doors of every Church and Chapel in the Place to which Notices are usually affixed.

CLAUSE D. Meeting to choose Chairman.

XXV. The Meeting, on its assembling together, shall choose One of its Number as Chairman: The Person so chosen shall preside and regulate the Proceedings at such Meeting, and may, with the Consent of a Majority of the Persons present, adjourn the same from Day to Day.

Rules as to passing of Resolutions of Ratepayers.

XXVI. The Chairman shall propose to the Meeting any Resolution in relation to the Adoption of the Act: If a Poll is demanded by One Fourth of the Ratepayers present, it shall be taken in manner hereinafter mentioned; but if no Poll is demanded, or if the Demand for a Poll is withdrawn by the Parties making the same, a Declaration by the Chairman that the Opinion of the Meeting is in favour or against any Resolution, as the Case may be, shall, in the Absence of Proof to the contrary, be sufficient Evidence that the Resolution is passed.

Poll how taken.

XXVII. The following Regulations shall be observed with respect to the taking of a Poll; that is to say,

(1.) The Summoning Officer shall, as soon as may be after the Meeting at which a Poll is demanded, appoint a Day or Days for taking the same, and publish such Appointment by affixing a Notice thereof to the principal Doors of every Church or Chapel within the Place to which Notices are usually affixed: He shall also cause Voting Papers to be prepared, specifying the Resolution or Resolutions in respect of which a Poll has been demanded:

(2.) Such Voting Papers shall be in the Form marked A. in the Schedule hereto, or in such other Form as may from Time to Time be approved by the General Board:

(3.) The Summoning Officer shall, Three Days before the Day appointed for taking the Poll, cause a Voting Paper to be delivered at the Residence of each Ratepayer; but no Ratepayer shall be entitled to more than One Vote:

(4.) Each Voter shall fill up the Voting Paper by writing the Word "Yes" or "No" opposite to the Resolution for or against which he votes, together with his Initials, and shall subscribe his Name at the Foot of the Voting Paper:

(5.) The Summoning Officer shall cause the Voting Papers to be collected on the Day or Days appointed for the taking of the Poll, by Persons to be employed for the Purpose, in such Manner as he directs; but, except as herein-after mentioned, no Voting Paper shall be received unless the same is collected by the Persons employed for that Purpose:

(6.) If any Person qualified to vote has not received a Voting Paper, he shall, on Application to the Summoning Officer, before the Day appointed for the taking of the Poll, be entitled to receive a Voting Paper from him; and in case any Voting Paper has not been collected through the Default of the Summoning Officer, or the Person employed to collect the same, the Voter, in Person, may deliver the same to the Summoning Officer on the Day appointed for the taking of the Poll:

(7.) The Summoning Officer shall examine the Votes so delivered to him, and having ascertained their Validity, shall sum up the Result; and any Resolution in favour of which a Majority of Votes has been given shall be deemed to be a Resolution of the Ratepayers of the Place:

(8.) The Summoning Officer shall publish the Result of any Poll so taken as aforesaid by affixing Notice thereof to the principal Doors of the Churches and Chapels within the Place to which Notices are usually affixed:

(9.) The Voting Papers, together with all Documents relating to the taking of the Poll, shall be retained by the Summoning Officer for Six Months after the taking of the Poll, and shall be open to public Inspection at such Place as he may appoint at all reasonable Hours:

(10.) All Expenses incurred by the Summoning Officer of any Place in pursuance of this Section shall, if this Act is adopted, be paid out of the General District Rates hereinafter mentioned, but, if this Act is not adopted, be a Charge on and payable out of the Poor Rate, in the same Manner as if the same

same were Expenses incurred in the Relief of the Poor of such Place.

CLAUSE E. Penalty for forging, &c. of Voting Papers.

XXVIII. If any Person wilfully commits any of the Acts following, that is to say, fabricates, in whole or in part, alters, defaces, destroys, abstracts, or purloins any Voting Paper, or personates any Person entitled to vote in pursuance of this Act, or falsely assumes to Act in the Name or on the Behalf of any Person so entitled to vote, or interrupts the Distribution of any Voting Papers, or distributes the same under a false Pretence of being lawfully authorized so to do, he shall for every such Offence be liable, on Conviction before Two Justices, to be imprisoned in the Common Gaol or House of Correction for any Period not exceeding Three Months, with or without Hard Labour.

CLAUSE F. Provision as to less Place included within the Limits of a greater.

XXIX. In Cases where any Place hereby authorized to adopt this Act includes within its Limits any less Place which, if it were not so included would of itself be authorized to adopt this Act, such less Place shall not be entitled to adopt this Act unless the greater Place within the Limits of which it is included has refused to adopt the same, or unless it has been determined by the General Board, in manner herein-after mentioned, that such less Place ought, as respects the Adoption of this Act, to be excluded from the Lmits of such greater Place.

Appeal against Adoption of Act.

Appeal against Resolution adopting Act.

XXX. In Cases where a Resolution adopting this Act wholly or partially, as aforesaid, has been passed in any Place having a known and defined Boundary, if any Number being not less than One Tenth of the Ratepayers of such Place are desirous that any Part of such Place should be excluded from the Operation of this Act, or of any of the adopted Provisions thereof, they may present a Petition to the General Board appealing against such Resolution, and praying that such Exclusion may be made.

Petition to General Board.

XXXI. Such Petition shall be presented to the General Board within Fourteen Days from the Date of the passing of the Resolution appealed against, and shall state the following Things:

(1.) The Part of the Place proposed to be excluded, accompanied with an explanatory Plan; and

(2.) The Reasons for such Exclusion:

It shall be subscribed by the Ratepayers presenting the same, and the Genuineness of such Subscription, and the Truth of the State-

ments on the Petition, shall be proved in such Manner as the General Board directs.

Power of General Board, on Receipt of Petition.

XXXII. Upon the Receipt of any such Petition as aforesaid, the General Board may, if they think fit, send an Inspector to the proposed District, for the Purpose of making Inquiry,

(1.) As to the Genuineness of the Petition; and

(2.) As to the Matters alleged in such Petition.

Inspector to give Notice of Inquiry.

XXXIII. Before commencing such Inquiry, the Inspector shall give such Notice as the General Board directs of his Intention to make the same, and of a Time and Place at which he will be prepared to hear all Persons desirous of being heard before him upon the Subject of such Inquiry.

General Board to make Order.

XXXIV. The General Board shall make such Order as they think just with respect to the Matters in question on such Appeal, and such Order shall be binding on the Place in respect of which it is made, and there shall be stated in such Order the Time at which this Act is to come into force; and the General Board may make such Order as to the Costs of such Appeal, and the Parties by whom such Costs are to be borne, as they think fit.

Adoption of Act by Place not having a known or defined Boundary.

Clause G. Place with an undefined Boundary may petition to have Boundary settled.

XXXV. Any Place not having a known and defined Boundary, or any Part of a Place that has a known and defined Boundary, provided that such first-mentioned Place or such Part of a Place does not form Part of a Borough, or of a District to which the Public Health Act, 1848, has been applied, or of a Town having such a Board of Improvement Commissioners as are herein-before authorized to adopt this Act, may, in manner herein-after mentioned, petition the General Board to settle its Boundary, for the Purposes of this Act.

Rules as to Petitions for Settlement of Boundaries

XXXVI. The following Rules shall be observed with respect to Petitions presented to the General Board for the Settlement of Boundaries; (that is to say,)

(1.) The Petition shall state the proposed Boundaries of the Place, shall be signed by One Tenth of the Ratepayers resident within such Boundaries, and shall be supported by such Evidence as the General Board requires:

(2.) Upon the Receipt of such Petition the General Board may, if they think fit, send an Inspector to the Place for the Purpose of making Inquiries as to the Genuineness of the Petition, and as to the Propriety of the proposed Boundaries:

(3.) Before

(3.) Before commencing such Inquiry the Inspector shall give such Notice as the General Board directs of his Intention to make the same, and of a Time and Place at which he will be prepared to hear all Persons desirous of being heard before him on the Subject of such Inquiry:

(4.) The General Board may, upon Consideration of the Matter, either dismiss the Petition altogether, or make such Order as they think fit as to the Boundaries of the Place: They may also make such Order as they think reasonable as to the Costs of the Proceedings under this Section, and the Parties by whom such Costs are to be borne:

CLAUSE H. Place may adopt Act when Boundary settled.

XXXVII. Any Place, the Boundaries of which have been settled by the General Board, in pursuance of the foregoing Section, shall thenceforth be deemed to be a Place with a known and defined Boundary, and may adopt this Act accordingly, and for the Purpose of enabling it so to do the General Board shall, by the Order settling such Boundaries, appoint a Summoning Officer, whose Duty it shall be forthwith to take all such Steps as may be necessary for convening a Meeting of the Ratepayers to adopt this Act; and if such Officer dies, becomes incapable, neglects, or refuses to perform his Duties, the General Board may, on the Application of any Four Ratepayers, appoint another Officer in his Room.

CLAUSE I. No Appeal by Part of Place.

XXXVIII. No Part of a Place the Boundaries of which have been so settled as aforesaid shall appeal against the Adoption of this Act by such Place.

Notice of Resolution adopting Act.

XXXIX. Whenever a Resolution adopting this Act, wholly or partially, has been passed in any Place, Notice thereof shall be given to the General Board by the following Persons; that is to say,

In Boroughs by the Mayor:

In Districts to which the Public Health Act, 1848, has been applied, by the Chairman of the Local Board of Health:

In Towns under the Jurisdiction of such Improvement Commissioners as aforesaid, by the Chairman of the Board of Commissioners:

In other Places by the Summoning Officer:

The Notice so sent shall be in Writing under the Hand of the Officer hereby required to give the same; and it shall be the Duty of such

such last-mentioned Officer to publish a Copy of such Notice in manner following; that is to say,

By Advertisement in the London Gazette, and in some One or more of the Newspapers published in the County in which such Place is situate:

By causing a Copy of such Notice to be affixed to the principal Doors of every Church and Chapel in such Place to which Notices are usually affixed.

Act when to take effect.

XL. Whenever any Resolution adopting this Act in whole or in part has been passed in any Place, this Act or such Provisions thereof as may have been adopted shall, at the Expiration of Two Months from the Date of the passing of such Resolution, or in the event of an Appeal being made to the General Board then at such Time as may be mentioned in the Order made by the General Board on such Appeal, have the Force of Law within such Place; and the Expiration of such Period of Two Months, or such Date as may be mentioned in the Order of the General Board as the Time for this Act or the adopted Provisions thereof to come into force, shall herein-after be called the Date of the Constitution of the District.

Transfer of Powers to Local Board of Health.

XLI. Upon the Adoption of this Act wholly or partially by any Place, all such Powers and Privileges relating to the Purposes of this Act, or to the adopted Provisions thereof, as are vested in any Local Authority, by virtue of any Public Local Act in force within any such Place as aforesaid, shall be transferred to and vested in the Local Board of Health of such Place.

Consequences of Transfer of Powers and Privilege to Local Board of Health.

XLII. Whenever any such Transfer of Powers and Privileges from any Local Authority to any Local Board of Health has taken place, the following Things shall be done:

(1.) Property of every Description held by or in trust for the Local Authority for the Purposes of such Powers and Privileges, and all Powers of levying Rates, Tolls, and other Dues which may be Securities for Debts contracted for such Purposes, shall be transferred to the Local Board, but subject to any Charges or Liabilities affecting the same:

(2.) All Debts and Obligations incurred, all Contracts entered into, and all Matters and Things engaged to be done by, with, or for the Local Authority in respect of such Powers and Privileges, shall be deemed to have been incurred, entered into, or engaged to be done by, with, or for the Local Board; and all such Debts, Obligations, Contracts, Matters, and Things, and all Securities for the same, and all

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Penalties and Forfeitures for the Nonperformance thereof, shall be enforceable by or against the Local Board to the same Extent as the same would, if no such Transfer had taken place, have been enforceable by or against the Local Authority:

(3.) The Local Board may pay, satisfy, and perform all such of the Debts, Contracts, Obligations, Matters, and Things lastly herein-before mentioned as are on their Part to be paid, satisfied, and performed by all or such One or more of the following Means as they think fit; that is to say, by and out of the Property hereby transferred to them, or by and out of the Rates, Tolls, and Dues by this Section authorized to be levied by them, or by and out of any other Property held by them, or any Rates, Tolls, or Dues made and levied by them under this Act:

(4.) All Actions, Suits, and other legal Proceedings, civil or criminal, commenced or which might have been commenced by or against the Local Authority in relation to such Powers and Privileges, may be continued or instituted against the Local Board:

(5.) All Persons having in their Custody, Power, or Possession any Money collected for the Purposes of such Powers or Privileges, or any Books, Papers, or Writings relating to the same, shall pay and deliver the same to the Local Board of Health, or to such Persons as they may appoint; and in case of Refusal or Neglect the Person so refusing or neglecting shall for each Offence incur a Penalty not exceeding Fifty Pounds, and shall be liable, at the Instance of the Local Board of Health, to the same Actions, Suits, or other Proceedings as they would respectively have been liable to at the Instance of the Local Authority previously to such Transfer of Powers and Privileges.

Effect of Adoption of Act by District to which Public Health Act, 1848, has been applied.

XLIII. Whenever this Act is adopted wholly or partially by any District to which the Public Health Act, 1848, has been applied, then, in addition to the foregoing Results, the following Consequences shall ensue; that is to say, if this Act is adopted in the whole, it shall be considered as substituted for the Public Health Act, 1848, and for any Order in Council or Provisional Order made in pursuance thereof; and any Provisions contained in the said Public Health Act, 1848, or in such Order in Council or Provisional Order, inconsistent with the Provisions of this Act, shall thenceforth be repealed; and if this Act is adopted only in part the Provisions so adopted shall be considered as

substituted for the corresponding Provisions, if any, of such Public Health Act, Order in Council, or Provisional Order; and any Provisions contained in the said Public Health Act, 1848, or in such Order in Council or Provisional Order, inconsistent with the Provisions so adopted, shall thenceforth be repealed; but no such Substitution or Repeal shall affect any Right or Liability under any existing Contract, or any Remedy for enforcing such Right or Liability.

Power for Place to make further Adoption.

XLIV. Any Place that has adopted this Act partially may, in manner herein mentioned at any Time or Times thereafter, adopt any Part or Parts previously excluded from Adoption.

Rules as to Objections.

XLV. No Objection shall be made at any Trial or in any legal Proceeding to the Validity of the Adoption of this Act, either wholly or partially, or to the Validity of any Proceedings taken in pursuance of the Second Part of this Act, or to any Order made by the General Board in pursuance of such Second Part, or to any Proceedings upon which such Order was founded, unless the Objector has given Fourteen Days previous Notice to the other Parties interested in such Trial or Proceeding of his Intention to make the same, specifying fully the Nature of the Objection to be made; and no Objection whatever in respect of the Matters mentioned in this Section shall be admissible at any Trial or in any legal Proceeding after the Expiration of Three Calendar Months from the Date of the Constitution of the District.

Clause K. Evidence.

XLVI. The Adoption of this Act may be proved at any Trial or in any legal Proceeding, by a printed Paper purporting to be the London Gazette, and containing a Notice to the Effect that a Resolution adopting this Act has been passed in such Place.

Certain Costs, with Consent of Treasury, to become a Charge upon the General District Rates. 11 & 12 Vict. c. 63. s. 11.

XLVII. In Cases where this Act has been adopted, wholly or partially, by any Place, all Costs, Charges, and Expenses incurred by the General Board, in relation to any such Adoption, or to any Proceedings connected therewith, and not hereby otherwise provided for, shall, to such Amount as the Treasury, by Order, think proper to direct, become a Charge upon the General District Rates levied in such District under the Authority of this Act, and be repaid to the Treasury by annual Instalments not exceeding Five, together with Interest after the yearly Rate of Five Pounds in the Hundred, to be computed from the Date of any such last-mentioned Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as may from Time to Time remain unpaid.

Application

Application of Act by Parliament.

Power of General Board to send Inspector to a Place.

XLVIII. Under the following Circumstances; (that is to say),

Where it appears from the Returns made by the Registrar General of Births, Marriages, and Deaths, or is certified under his Hand, that the Number of Deaths annually in any Place, calculated on an Average of the Seven Years immediately preceding, have exceeded Twenty-five to a Thousand of the Population of such Place;

The General Board of Health may, if they in their Discretion think fit, direct a Superintending Inspector to visit such Place, for the Purpose of making public Inquiry and examining Witnesses as to the following Matters and Things, or any of them; (that is to say,)

As to the Sewerage, Drainage, and Supply of Water:

As to the Number and sanitary Condition of the Inhabitants:

As to any Public or Private Local Acts of Parliament in force within such Place:

As to the existing municipal, parochial, or other local Boundaries, if any, and the Boundaries which may be most advantageously adopted for the Purposes of this Act:

As to any other Matter of which the General Board may require to be informed in reference to the Application of this Act.

Inspector to give Notice of such Inquiry by Advertisement, &c.

XLIX. Before commencing such Inquiry, the Inspector shall give not less than Seven Days Notice of his Intention to make the same, and of a Time and Place at which he will be prepared to hear all Persons desirous of being heard before him upon the Subject of such Inquiry, in Manner following; (that is to say,)

By Advertisement in some One or more of the public Newspapers published in the County in which the Place to which such Inquiry relates is situate:

By causing such Notice to be affixed to the principal Doors of every Church and Chapel within the Place to which Notices are usually affixed:

And as soon as possible after the Completion of such Inquiry he shall report in Writing to the General Board, in such Manner as they may direct, upon the several Matters with respect to which he has been directed to inquire as aforesaid; and the General Board shall publish such Report.

Application of Act by General Board.

L. Upon the Receipt of such Report the General Board may if they think it expedient, by Provisional Order under their Seal, to be confirmed by Act of Parliament as herein-after mentioned, proceed to do the following Things:

(1.) To apply this Act or any Part thereof to such Place or to any Part thereof, or to attach such Place to any adjoining

District, constituted under this Act, or under the Public Health Act, 1848, with the Consent of the Local Board of Health of such District:

(2.) To consolidate and extend and provide for the future Execution of any Public Local Acts that may upon the Institution of any such Inquiry as aforesaid be found to be already in force within any such Place, and to vary or repeal any Enactments therein contained, so far as may be necessary for reconciling the same with this Act:

It shall be the Duty of the General Board, as soon as conveniently may be, to take all necessary Steps for the Confirmation of such Provisional Order by Act of Parliament, and when so confirmed it shall be deemed to be a Public General Act of Parliament, and to take effect accordingly; but previously to such Confirmation it shall not be of any Validity whatever, and the Date of the passing of any such Act of Parliament shall be deemed to be the Date of the Constitution of the District.

Costs of preliminary Inquiry, &c., with Consent of Treasury, to become a Charge upon the General District Rates. 11 & 12 Vict. c. 63. s. 11.

LI. After the passing of any Act of Parliament confirming any Provisional Order by which this Act is applied to any District, the Costs, Charges, and Expenses incurred by or under the Direction of the said General Board in relation to any such Application as aforesaid shall, to such Amount as the Treasury think proper to direct, become a Charge upon the General District Rates levied in such District under the Authority of this Act, and be repaid to the Treasury by annual Instalments not exceeding Five, together with Interest after the yearly Rate of Five Pounds in the Hundred, to be computed from the Date of any such last-mentioned Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as may from Time to Time remain unpaid.

PART III.

Constitution, Proceedings, and General Powers of Local Boards of Health

Constitution of Local Boards.

Local Boards of Health how constituted.

LII. Upon the Constitution of any District, the Duty of carrying into execution this Act, or such Provisions thereof as may be in force within such District, shall be vested in the Local Board of Health herein-after called The Local Board; and such Local Board shall be constituted as follows; (that is to say,)

(1.) In

(1.) In Boroughs, the Mayor, Aldermen, and Burgesses acting by the Council shall be the Local Board:

(2.) In Districts, to which the Public Health Act, 1848, has been applied the existing Local Board of Health shall be the Local Board.

(3.) In Towns under the Jurisdiction of a Board of Improvement Commissioners, a Majority of whom are elected by the Ratepayers, such Improvement Commissioners shall be the Local Board.

(4.) In other Places the Local Board shall consist of such Number of elective Members as may be determined by a Resolution of the Ratepayers, passed in manner in which Resolutions for the Adoption of this Act are herein-before directed to be passed, at any Meeting held for the Purpose of adopting this Act, or at any Meeting to be summoned by the Summoning Officer for that Purpose, subject to the Provision that such Number shall not be in any Case less than Nine or more than Eighteen; and that no Person shall be qualified to be a Member of such Local Board unless he is rated to the Relief of the Poor of such District, or of some Parish within the same, upon an annual Value of not less than Ten Pounds.

District may be divided into Wards.

LIII. The Ratepayers of any such Places as are lastly herein-before mentioned, assembled at any such Meeting as is referred to in the preceding Section, may, by Resolution passed in manner therein provided, but subject to the Approval of the General Board, divide their District into separate Wards, and declare what Proportion of the Members of the Local Board is to be elected by each Ward.

Election of Members of Local Boards.

LIV. In any District not consisting of a Borough, District to which the Public Health Act, 1848, has been applied, or Town under the Jurisdiction of such Improvement Commissioners as aforesaid, the following Rules shall be observed with respect to the Election of the Local Board of such District; that is to say,

(1.) The Summoning Officer shall be the Returning Officer of the First Election of a Local Board, and at all subsequent Elections of such Board the Chairman of the Local Board for the Time being shall be such Returning Officer:

(2.) In case of there being no such Returning Officer, or of the Death, Inability, or Refusal to act of any Returning Officer of any such First Meeting as aforesaid, the General Board may, upon the Application of any Five Ratepayers of the District, and on due Proof made to them of the Facts, appoint

appoint any other Person to conduct such First Election; and in case of the Death, Inability, or Refusal to act of any Chairman for the Time being of the Local Board, the Local Board of Health shall appoint some other Member of their Board to conduct in his Stead any subsequent Election:

(3.) The First Election of Members of the Local Board shall take place on such Day after the Date of the Constitution of the District as the Returning Officer may appoint:

(4.) All Elections of Members of Local Boards subsequent to the First Election shall take place on the Day previous to the Day herein-after appointed for the Retirement of Members of Local Boards:

(5.) On every Occasion of the Election of Members of Local Boards, the Returning Officer shall convene a Meeting of the Ratepayers for the Purpose of making such Election, and shall give Notice of such Meeting,

(*a*) By Advertisement in some One or more of the Newspapers published in the County in which the District is situate:

(*b*) By causing a Copy of such Notice to be affixed to the principal Doors of every Church and Chapel to which Notices are usually affixed within the District:

(6.) The Returning Officer shall preside and regulate the Proceedings at such Meeting:

(7.) At any such Meeting as aforesaid any qualified Person may, if he consents thereto, be proposed by any Ratepayer, and seconded by any other Ratepayer, as a Member of the Local Board of Health:

(9.) If more qualified Candidates are proposed than the Number to be elected, a Poll may be demanded, and shall be taken in manner herein-after mentioned; but if not, or if no Poll is demanded, a Declaration by the Chairman that the Candidates are elected Members of the Local Board of Health shall be conclusive Evidence of the Fact:

(10.) A Poll for the Election of Members of Local Boards shall be conducted in manner herein-before provided in the Case of a Poll in respect of the Adoption of this Act, and all Provisions herein-before contained in relation to such last-mentioned Poll shall, as nearly as Circumstances permit, be applicable to any Poll taken in pursuance of this Section, with these Qualifications, that the Voting Papers shall specify the Names

Names and Addresses of the Candidates nominated, and shall be in the Form marked B. in the Schedule hereto, or in such other Form as may be approved by the General Board; that the Returning Officer shall be considered as substituted for the Summoning Officer; that the Voting Papers and all other Documents relating to the taking of the Poll shall be open to Inspection at the Office of the Local Board of Health, and that all Expenses incurred in taking such Poll shall in all Cases be payable out of the General District Rates herein-after mentioned:

(11.) The Elective Members of any Local Board shall, as soon as conveniently may be after their First Election, be divided by Ballot into Three Classes, each Class to be as nearly as may be equal in Numbers; and the Offices of the First Class shall be vacated on the Day after the Expiration of the First Year from the Date of their Election, the Offices of the Second Class shall be vacated on the Day after the Expiration of the Second Year from such Date as aforesaid, and the Offices of the Third Class shall be vacated on the Day after the Expiration of the Third Year from such Date as aforesaid; all Members so chosen to fill the vacated Offices shall hold their Offices for the Term of Three Years, and no longer; and in every Instance the Offices of retiring Members shall be supplied by an equal Number of newly elected Members:

(12.) If from any Cause no Election is made on the appointed Day, the Meeting shall stand adjourned until the same Day of the following Week, and so from Time to Time until an Election is made:

(13.) The Members who would upon the appointed Day have retired shall continue Members until others are appointed in their Stead:

(14.) A Member of a Local Board of Health may resign, on giving to the Board One Month's previous Notice in Writing of his Intention so to do:

(15.) Any casual Vacancy occurring by Death, Resignation, Disqualification, or otherwise in the Local Board may be filled up by the Local Board out of qualified Persons, but the Member so chosen shall retain his Office so long only as the vacating Member would have retained the same if no Vacancy had occurred:

(16.) Any Person on ceasing to be a Member shall be re-eligible:

(17.) If any Returning Officer makes default in performing any Duty hereby imposed on him, he shall for each Offence incur a Penalty not exceeding Fifty Pounds.

Local Boards in Districts to which Act has been applied.

LV. In Districts to which this Act or any of the Provisions thereof has or have been applied by Act of Parliament, the Constitution of the Local Board shall be such as may be determined by the Act applying the same.

Proceedings of Local Boards—Boroughs.

Proceedings of Local Boards where District is a Borough.

LVI. In any District being a Borough, the following Things shall be done:

(1.) The Council acting as the Local Board shall, unless otherwise authorized or required by Act of Parliament, use the Common Seal of the Borough in all Cases where a Local Board is by this Act authorized or required to use a Common Seal:

(2.) The Council acting as the Local Board shall exercise all the Powers, Authorities, and Duties of such Local Board, shall hold Meetings, appoint Committees, and conduct all their Proceedings according to the Laws for the Time being in force with respect to Municipal Corporations in England and Wales.

District becoming a Borough. 11 & 12 Vict. c. 63. s. 33.

LVII. If any District is afterwards incorporated as a Borough, or wholly comprised within the Limits of a Borough, all Powers, Rights, and Obligations hereby vested in or imposed on the Local Board shall thereupon be transferred to the Council of such Borough, and shall be exercised in the same Manner as if such District had originally been a Borough by which or to which such Adoption or Application had been made.

Local Boards—Districts not being Boroughs.

Proceedings of Local Boards where District is not a Borough. 11 & 12 Vict. c. 63. ss. 34, 35.

LVIII. In any District not being a Borough, the following Rules shall be observed with respect to the Local Board of such District:

(1.) The Body herein-before constituted the Local Board shall for the Purposes of this Act be deemed to be a Body Corporate by the Name of the Board of Health, with perpetual Succession and a Common Seal, having a Capacity to accept Grants of and to purchase and hold Lands subject to the Provisions of this Act:

(2.) During any Vacancy in the Local Board the continuing Members, if not less than Three in Number, may act as if no Vacancy had occurred:

(3.) The Local Board shall meet together for the Despatch of Business, and shall from Time to Time make such Regulations with respect to the Summoning, Notice, Place, Management, and Adjournment of such Meetings, and generally with respect

respect to the Transaction and Management of Business, as they think fit, subject to the following Conditions:

(1.) The First Meeting shall be held on such Day, not more than Ten Days after the Election of the Local Board, and at such Place as the Returning Officer may, by Notice duly given by him, appoint:

(2.) A Meeting shall be held once at least in every Month, but it shall not be lawful to hold the same at any Inn or other Place where spirituous Liquors are sold:

(3.) No Business shall be transacted at any Meeting unless at least Three Members are present at the Commencement and Close of such Business:

(4.) All Questions shall be decided by a Majority of Votes:

(5.) The Names of the Members present, as well as of those voting upon each Question, shall be recorded:

(4.) The Local Board shall at their First Meeting and afterwards from Time to Time at their First Meeting after each annual Appointment of Members of the Local Board appoint One of their Number to be Chairman for the Year following such Choice, and shall also, if they think fit, choose another of their Number to act as Deputy Chairman for the same Period; and in case of an Equality of Votes at any Meeting the Chairman for the Time being, or in his Absence the Deputy Chairman, shall have a Second or Casting Vote:

(5.) If the Chairman or Deputy Chairman dies or resigns, or ceases to be a Member of the Local Board, or otherwise becomes disqualified to act, the Members present at the Meeting next after the Occurrence of such Vacancy shall choose some other of their Number to fill such Vacancy; and every such Chairman or Deputy Chairman so elected as last aforesaid shall continue in Office so long only as the Person in whose Place he may be so elected would have been entitled to continue if such Death, Resignation, Removal, or Disqualification, had not happened:

(6.) If at any Meeting neither the Chairman nor Deputy Chairman is present at the Time appointed for holding the same, the Members present shall choose some One of their Number to be Chairman of such Meeting:

(7.) A Local Board may appoint One or more Committees, consisting of such Number of Members as they think fit, and they may grant to such Committees respectively Power on behalf of the Local Board to do any Acts which the Local

Board could lawfully do, and which they may from Time to Time think proper to intrust to them:

(8.) A Committee at their First Meeting after their Appointment shall appoint One of their Number to be Chairman during their Continuance, and in the event of any Vacancy occurring in the Office of Chairman shall fill up the same by electing some other Member of such Committee:

(9.) If at any Meeting of the Committee the Chairman is not present at the Time appointed for holding the same, the Members present shall choose One of their Number to be Chairman of such Meeting:

(10.) The said Committee may meet from Time to Time, and may adjourn from Place to Place, as they think proper, for carrying into effect the Purposes of their Appointment; but no such Committee shall exercise the Powers intrusted to them except at a Meeting at which there is present a Quorum to be fixed for that Purpose by the Local Board; and all Questions at any Meeting of the Committee shall be determined by a Majority of Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a Second or Casting Vote:

(11.) The Local Board shall, except in Cases where such Board is already provided therewith, provide a Common Seal, and in all Cases the Custody of such Seal, and the Power to use the same on behalf of the Local Board, shall be vested in such Person or Persons as the Local Board may from Time to Time appoint:

(12.) The Local Board shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by them, and of the Orders and Proceedings of all their Meetings, and of the Meetings of Committees of the Local Board, to be duly entered in Books to be from Time to Time provided for the Purpose, and be kept under the Superintendence of the Local Board; and every such Entry shall be signed by the Chairman of such Meeting or Committee; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened or held, or of the Persons making or entering such Orders or Proceedings being Members of the Local Board or Committee respectively, or of the Signature of the Chairman, or of the Fact of his having been Chairman, and all such last-mentioned Matters shall be presumed until the contrary is proved:

(13.) All

(13.) All Acts done by any Meeting of the Local Board or of any such Committee as aforesaid, or by any Person acting as a Member of a Local Board, shall, notwithstanding it may be afterwards discovered that there was some Defect in the Appointment of any such Local Board or Persons acting as aforesaid, or that they or any of them were or was disqualified, be as valid as if every such Person had been duly appointed and was qualified to be a Member.

Penalty on summoning Officer or Chairman.

LIX. If any Summoning Officer or Returning Officer wilfully makes Default in performing any Duties hereby imposed on him, the Offender shall, for each Offence, incur a Penalty not exceeding Fifty Pounds, but no Default or Neglect on the Distribution or Collection of any Voting Papers, or in the Publication of the Result of any Poll, shall invalidate any Poll taken in pursuance of this Act.

Contracts by Committee or Local Board, how to be entered into.

LX. The Power which may be granted to any Committee appointed by the Local Board to make Contracts, as well as the Power of the Local Board to make Contracts, may lawfully be exercised as follows; (that is to say,)

With respect to any Contract which, if made between private Persons, would be by Law required to be in Writing and under Seal, such Committee or the Local Board may make such Contract in Writing and under their Common Seal, and in the same Manner may vary or discharge the same:

With respect to any Contract which, if made between private Persons, would be by Law required to be in Writing and signed by the Parties to be charged therewith, then such Committee or the Local Board may make such Contract in Writing signed by such Committee or any Two of them, or any Two of the Local Board, and in the same Manner may vary or discharge the same:

With respect to any Contract which, if made between private Persons, would by Law be valid although made by Parol only, and not reduced into Writing, such Committee or the Local Board may make such Contract by Parol only, without Writing, and in the same Manner may vary or discharge the same:

And all Contracts made according to the Provisions herein contained shall be effectual in Law, and shall be binding upon the Local Board and their Successors, and all other Parties thereto, their Heirs, Executors, or Administrators, as the Case may be.

General Disqualification of Members of Local Boards.

LXI. In any District whatever if a Member of the Local Board,

(1.) Holds any Office or Place of Profit under the Local Board of which he is a Member; or

(2.) Participates

(2.) Participates in the Profits of any Work done by the Order of the Local Board; or

(3.) Is concerned in or participates in the Profits of any Contract entered into by the Local Board,

such Person shall cease to be a Member of the Local Board, and his Office shall thereupon become vacant, subject to the Exceptions following; (that is to say,)

(1.) No Member of a Local Board shall vacate his Office by reason of his being a Shareholder in any Company supplying Water or Gas by Order of the Local Board:

(2.) No Member of a Local Board shall vacate his Office by reason of his being interested in any Sale or Lease of any Lands, or any Loan of Money, to the Local Board:

Nevertheless, no member of a Local Board shall be entitled to vote in respect of any Supply of Water or Gas by any Company in which he is a Shareholder, or in respect of any Question connected therewith, or in respect of any such Sale, Lease, or Loan, as lastly herein-before mentioned, and if he does so vote, his Vote shall not be counted, and he shall incur a Penalty not exceeding Twenty Pounds.

Disqualification of Members of Local Boards in Districts not being Boroughs or certain Towns.

LXII. In any District not consisting of a Borough or Town under the Jurisdiction of such Improvement Commissioners as aforesaid,

If a Member of the Local Board does any of the following Things:

(1.) Absents himself during Three successive Months from all Meetings of the Board, except from Illness or other Cause, to be approved by the Board; or

(2.) Is adjudged bankrupt, or applies to take the Benefit of any Act for the Relief or Protection of Insolvent Debtors, or compounds with his Creditors:

Such Person shall cease to be a Member of the Local Board, and his Office shall thereupon be vacant.

Clause L. Penalty on disqualified Member of Local Board acting.

LXIII. Any Member who acts as Member of the Local Board without being duly qualified, or after he has become disqualified, shall incur a Penalty not exceeding Fifty Pounds; and in any Proceeding for the Recovery of such Penalty the Burden of proving Qualification shall be upon the Person against whom such Proceeding is taken; nevertheless all Acts and Proceedings of any Person who so acted illegally as aforesaid, if done previously to the Recovery of such Penalty as aforesaid, shall be valid to all Intents.

General Powers of Local Boards.

Clause M. Union of adjoining Districts.

LXIV. Adjoining Districts, whether constituted under this Act or the Public Health Act, 1848, may unite together upon such Terms and

and subject to such Conditions as the respective Local Boards of such Districts may, with the Sanction of the General Board, determine.

Clause N. Petition for Incorporation of Part of an adjoining Place, or for Repeal of Local Acts.

LXV. Whenever it appears to the Local Board of any District, whether constituted under this Act or the Public Health Act, 1848, that with a view to the more effectually carrying into execution the Purposes of this Act it will be desirable that both or One of the following Things should be done, that is to say,

(1.) That any Portion of any adjoining Place should be incorporated into and form Part of such District;

(2.) That any Public Local Acts in force within such District, and inconsistent with or interfering with the Purposes of this Act, should be repealed or altered;

they may present a Petition to the General Board, praying for such Incorporation, Repeal, and Alteration as aforesaid, or for any of such Things, and such Petition shall be supported by such Evidence as the General Board requires.

Power of General Board on Receipt of Petition.

LXVI. Upon the Receipt of any such Petition the General Board shall take the same into consideration, and they may either dismiss such Petition, or they may, if they think fit, send an Inspector to the proposed District for the Purpose of making Inquiry in respect of the several Matters mentioned in the Petition.

Inspector to give Notice of Inquiry.

LXVII. Before commencing such Inquiry, the Inspector shall give such Notice as the General Board directs of his Intention to make the same, and of a Time and Place at which he will be prepared to hear all Persons desirous of being heard before him upon the Subject of such Inquiry.

Clause O. General Board to prepare Order, and obtain Consent of District.

LXVIII. The General Board may, if they think fit, cause a Provisional Order to be prepared in relation to the several Things mentioned in the Petition, and either in accordance with the Prayer thereof, or with such Modifications as the General Board approves; and when such Order is prepared they shall direct an Inspector to proceed to the District, for the Purpose of obtaining the Consent to such Order of any Part of the Place to be incorporated, and also, if such Order is not in accordance with the Petition, the Consent of the petitioning District.

Clause P. Consents how testified.

LXIX. The Consent of the Petitioning District to such Order shall be testified by a Resolution of the Local Board of such District, and the Consent of any Part of a Place by a Resolution passed by a Majority of the Ratepayers resident in any such Part, and assembled at a Meeting convened for the Purpose; and the Inspector shall, for the Purpose of obtaining such Consents, have Power to convene Meetings

of the Local Board of any District, or Meetings of the Ratepayers of any Part of a Place, and to do all such Matters and Things as may be expedient for that Purpose.

Provision as to Meetings of Part of a Place.

LXX. In the Case of a Meeting of the Ratepayers of any Part of a Place the Ratepayers present shall elect a Chairman; and a Declaration by the Chairman that the Opinion of the Meeting is in favour or against any Resolution, as the Case may be, shall, in the Absence of Proof to the contrary, be sufficient Evidence that the Resolution is passed. The Inspector shall have Power to attend any such Meeting.

General Board to obtain Confirmation of Order

LXXI. Whenever such Consents as aforesaid have been given to any such Order as herein-before mentioned, it shall be the Duty of the General Board, as soon as conveniently may be, to take all necessary Steps for the Confirmation thereof by Act of Parliament, and when so confirmed it shall be deemed to be a Public General Act of Parliament, and to take effect accordingly; but previously to such Confirmation it shall not be of any Validity whatever.

As to Powers given by Statute to former Local Boards.

LXXII. Every Local Board constituted under this Act may exercise all such Powers and Privileges, and shall be subject to all such Obligations, as are exerciseable by or imposed on Local Boards of Health, constituted under the Public Health Act, 1848, by any Act other than such last-mentioned Act.

Power of Local Board to execute Works in adjoining Place.

LXXIII. Every Local Board may, with the Consent of any adjoining Place, do and execute in such adjoining Place, or in any Part thereof, all or any of such Works or Things as such Local Board may do and execute within their own District, and upon such Terms as to Payment or otherwise as may be agreed upon between such Local Board and such Place, and any Sums agreed to be paid by such Place in pursuance of this Section shall be a Charge upon and payable out of the Poor Rates of such Place, and shall be raiseable accordingly as if the same were Expenses legally incurred in the Relief of the Poor of such Place; and the Consent or Agreement of any Place to any Work or Thing shall be signified in the same Manner as the Consent of such Place to the Adoption of this Act is herein-before required to be signified.

PART IV.

Special Powers of Local Boards of Health.

1. *Officers.*

Appointment of Officers. 11 & 12 Vict. c. 63. s. 37.

LXXIV. The Local Board shall have Power to do the following Things:

(1.) To appoint a fit and proper Person to be and to be called the Officer of Health:

(2.) To

(2.) To appoint fit and proper Persons to be Surveyor, Inspector of Nuisances, Clerk, and Treasurer, for the Purposes of this Act, together with such Collectors and other Officers and Servants as may be necessary for the efficient Execution of this Act:

(3.) To make Regulations for ordering the Duties and Conduct of the several Officers and Servants so appointed or employed:

(4.) To pay, out of the General District Rates to be levied under this Act, to such Officer of Health and other Officers and Servants, such reasonable Salaries, Wages, or Allowances as the said Local Board think proper:

(5.) To remove, at their Pleasure, the Officer of Health and every other Officer and Servant so appointed:

Subject nevertheless to the following Regulations:

(1.) That the same Person may be Officer of Health for Two or more Districts:

(2.) That the same Person may be both Surveyor and Inspector of Nuisances:

(3.) That neither the Person holding the Office of Treasurer nor his Partner, nor any Person in the Service or Employ of them, or either of them, shall hold, be eligible to, or shall in any Manner assist or officiate in the Office of Clerk:

(4.) That neither the Person holding the Office of Clerk nor his Partner, nor any Person in the Service or Employ of them or either of them, shall hold, be eligible to, or shall in any Manner assist or officiate in the Office of Treasurer:

And if any Person hereby prohibited holds or in any Manner assists or officiates in the Office of Clerk or Treasurer he shall incur a Penalty not exceeding One hundred Pounds.

Penalty upon Officers, &c. interested in Contracts or taking Fees improperly. 11 & 12 Vict. c. 63. s. 38.

LXXV. No Officer or Servant employed by any Local Board shall in anywise be concerned or interested in any Bargain or Contract made with such Board for the Purposes of this Act; and if any such Officer or Servant is so concerned or interested, or, under colour of his Office or Employment, exacts, takes, or accepts any Fee or Reward whatsoever, other than his proper Salary, Wages, and Allowances, he shall be incapable of afterwards holding or continuing in any Office or Employment under this Act, and shall for each Offence incur a Penalty not exceeding Fifty Pounds.

Incorporation of Sections of Commissioners Clauses Act.

LXXVI. The Provisions of "The Commissioners Clauses Act, 1847," with respect to the Accountability of Officers, contained in the Sections numbered from 67 to 74, both inclusive, shall be incorporated with and form Part of this Act, and shall apply to Officers appointed by any Local Board.

Local Boards to provide Offices. 11 & 12 Vict. c. 63. s. 35.

LXXVII. The Local Board shall from Time to Time provide and maintain such Offices as may be necessary for transacting their Business under this Act.

Sewerage.

Sewers, &c. vested in Local Board. 11 & 12 Vict. c. 63. s. 43.

LXXVIII. All existing and future Sewers within their District, together with all Buildings, Works, Materials, and Things belonging or appertaining thereto,

(1.) Except Sewers made by any Person for his own Profit or Use, or by any Company for the Profit of the Shareholders; and

(2.) Except Sewers made and used for the Purpose of draining, irrigating, or otherwise improving Land under any Local or Private Act of Parliament; and

(3.) Except Sewers under the Authority of any Commissioners of Sewers appointed by the Crown,

Shall vest in and be under the Control of the Local Board.

Powers of Local Board as to Sewerage within District. 11 & 12 Vict. c. 63. ss. 45, 46.

LXXIX. The Local Board shall cause their District to be effectually drained, and for the Purpose of such Drainage they shall have Power within such District from Time to Time, to do any of the following Things; that is to say,

(1.) To repair, arch over, enlarge, lessen, or otherwise alter any existing Sewer or Drain:

(2.) To construct any new Sewer or Drain, with a like Power of repairing and altering the same:

(3.) To discontinue, close up, or destroy any Sewer or Drain:

(4.) To carry any Sewer, Drain, or Pipe for the Distribution of Sewage through, across, or under any Turnpike Road or other Road, or any Street or Place laid out as or intended for a Street, or under any Cellar or Vault which may be under the Pavement or Carriageway of any Street or intended Street; or if it is deemed necessary by the Surveyor of the Local Board into, under, or through any Lands whatever, upon making due Compensation for the same:

Subject nevertheless, in the Exercise of such Powers, to the Restrictions herein-after mentioned; that is to say,

(1.) All Sewers and Drains shall be so constructed and kept as not to create a Nuisance or be injurious to Health:

(2.) If by the Exercise of any of the above Powers any Person is deprived of the lawful Use of any Sewer or Drain, the Local Board shall provide for his Use some other Sewer or Drain equally convenient.

LXXX. Every

Powers of Local Board both in and out of District.

LXXX. Every Local Board shall have Power, upon making due Compensation, to do the following Things, either within or without their District; that is to say,

(1.) To construct, either above or under Ground, such Reservoirs and other Works as may be necessary for holding the Sewage flowing from the Sewers of their District, or to provide Outfalls for the same:

(2.) To cause the Sewers of their District to empty into such Reservoirs or Outfalls by means of connecting Sewers or such other Means as they think fit:

(3.) To contract with any Company or Person for the Sale of such Sewage, or for the Distribution of it over any Land; and any Company or Person with whom the Local Board may so contract shall have Power within such Limits, either in or out of the District, as may be approved by the General Board, to carry any Pipe for the Distribution of Sewage through, across, or under any public Street or Turnpike or other Road, upon condition of making good all Damage done by them:

(4.) To contract for, purchase, or take on Lease any Buildings, Engines, Materials, or Apparatus for the Purpose of receiving, storing, disinfecting, or distributing any such Sewage:

(5.) To purchase or take on Lease any Land where such Purchase or leasing is necessary for carrying into execution the above Objects; but nothing herein contained shall prejudice the Right herein-before given to Local Boards, with respect to the Power of making and carrying of Sewers, Drains, and Pipes for the Distribution of Sewage within their District.

Penalty for making unauthorized Sewers and building under Streets. 11 & 12 Vict. c. 63. s. 47.

LXXXI. No Person shall, without the Consent of the Local Board, do the following Things, or any of them:

(1.) Cause any Sewer or Drain to communicate with or to be emptied into any Sewer of the Local Board:

(2.) Cause any Vault, Arch, or Cellar to be newly built or constructed under any Public Street:

And any Person offending against this Enactment shall incur a Penalty not exceeding Five Pounds, and a further Penalty of Forty Shillings for every Day during which the Offence is continued; and if any Sewer, Drain, Vault, Arch, or Cellar is made in contravention of this Enactment the Local Board may cause the same to be pulled down, or otherwise dealt with as they think fit, and the Expenses incurred by them in so doing shall be repaid to them by the Offender, and be recoverable from him in a summary Manner.

Use of Sewers by Persons beyond the District. 11 & 12 Vict. c. 63. s. 48.

LXXXII. Any Owner or Occupier of Premises adjoining any District may, with the Consent of the Local Board, cause any Sewer or Drain from such Premises to communicate with any Sewer of the Local Board, upon such Conditions as may be agreed upon between such Owner and Occupier and such Local Board, and in case of Dispute as to the Conditions, such Disputes shall be settled by Arbitration in the Manner provided by this Act.

Regulations as to Drains of existing Houses.

LXXXIII. Whenever it appears to the Local Board that any House or other Building, built before the Date of the Constitution of the District, is without any Drain, or without such Drain as is sufficient for effectual Drainage, the Local Board may by Notice require the Owner of such House or Building, within a reasonable Time therein specified, to make a sufficient Drain of a Construction approved by the Local Board, emptying as follows; that is to say, if the Sea or a Sewer of the Local Board, or any Sewer which they are entitled to use, is within One hundred Feet of the Site of such House or Building, emptying, as the Local Board may direct, either into the Sea or such Sewer; but if no such Means of Drainage are within that Distance, then emptying into such covered Cesspool or other Place, not being under any House, as the Local Board directs; and if the Person on whom such Notice is served fails to comply with the same, the Local Board may themselves do the Work required, and the Expenses incurred by them in so doing may be recovered from such Owner in a summary Manner, or may, by Order of the Local Board, be declared to be private Expenses, and be dealt with accordingly.

Regulations as to Drains of new Houses. 11 & 12 Vict. c. 63. s. 49.

LXXXIV. The following Rules shall be observed with respect to Drains of Houses and Buildings built after the Date of the Constitution of the District:

(1.) The Drains of every such new House or Building as aforesaid shall be covered in, and be of such Size and Materials, at such Level, and with such Fall, as may be effectual, in the Opinion of the Surveyor of the Local Board, to secure a proper Drainage of such House or Building and its Appurtenances:

(2.) If the Sea, or a Sewer of the Local Board, or a Sewer which they are entitled to use, is within One hundred Feet of any Part of the Site of such new House or Building, the Drains so to be constructed shall communicate with such One of those Means of Drainage as the Local Board directs:

(3.) If no such Means of Drainage are within that Distance, then the last-mentioned Drains shall communicate with and be emptied into such covered Cesspool or other Place, not being under

under any House, and not being within such Distance from any House, as the said Local Board directs:

(4.) Whenever any House or Building built before the Date of the Constitution of the District, is pulled down to or below the Ground Floor, the Drains of such House or Building shall be subject to the Regulations of this Section in the same Manner as if it were a House or Building built after the Date of the Constitution of the District.

Penalty on Noncompliance with the foregoing Rules. 11 & 12 Vict. c. 63. s. 49.

LXXXV. If any House or Building is built or rebuilt, or any Drain constructed, contrary to the foregoing Enactment, the Owner of the House or Building so built or rebuilt or to which such Drain belongs shall be subject to the following Liabilities; that is to say,

(1.) He shall incur a Penalty for each Offence not exceeding Fifty Pounds:

(2.) The Local Board may by Notice require such Owner, within a reasonable Time therein specified, to bring such House, Building, or Drain into conformity with the above Regulations, and if he fails to comply with such Notice may themselves do the Work required, and the Expenses incurred by them in so doing may be recovered from such Owner in a summary Manner, or may, by Order of the Local Board, be declared to be private Expenses, and be dealt with accordingly.

Map exhibiting System of Sewerage. 11 & 12 Vict. c. 63. s. 41.

LXXXVI. The Local Board shall, unless already provided therewith, procure or cause to be made a Map, upon such Scale as may for the Time being be directed by any General Order of the General Board, exhibiting a System of Sewerage for effectually draining their District for the Purposes of this Act; and every such Map shall be kept at the Office of the Local Board, and shall at all reasonable Times be open to the Inspection of the Ratepayers of the District.

Cleansing.

Rules with respect to Scavenging.

LXXXVII. In every District the following Works shall be done with respect to Scavenging,

(1.) All Public Streets, together with the Foot Pavements thereof, shall be properly cleansed and watered; all Roads shall be properly cleansed, and the whole or any Part of such Roads may, in the Discretion of the Local Board, be watered:

(2.) All Filth and Refuse found in any Public Street or Road shall be collected and removed:

(3.) All Dust, Ashes, and Rubbish shall be carried away from the Houses of the Inhabitants:

(4.) All Privies and Cesspools shall be from Time to Time emptied and cleansed:

And the Local Board may themselves undertake or contract with any Person to undertake the aforesaid Works or any of them.

Powers of Local Board in respect of Scavenging.

LXXXVIII. In the event of the Local Board themselves undertaking or contracting with any other Person to undertake the Works hereby required in relation to Scavenging, or any of them throughout the District, or any Part thereof, all Sewage, Soil, Dung, Filth, Ashes, Dust, and Rubbish collected in the Execution of such Works by the Local Board or by any Person authorized by them may be sold or otherwise disposed of in such Manner as the Local Board directs, and any Profits made by the Local Board in pursuance of this Section shall be carried to such District Fund Account as is herein-after mentioned.

Penalty on unauthorized Scavenging.

LXXXIX. In such Event as last aforesaid, if any Person, not being the Occupier of any House within the District, removes or obstructs the Local Board, or any Person authorized by them, in removing any Sewage, Soil, Dung, Filth, Ashes, Dust, or Rubbish hereby authorized to be removed by the Local Board, he shall for each Offence incur a Penalty not exceeding Five Pounds; and if any Person, being the Occupier of any House within the District, removes or obstructs the Local Board or any Person authorized by them in removing any such Substances as aforesaid, (except in Cases where such Substances are produced on his own Premises, and are removed for his own Use for Manure at such Times and in such Manner as may be approved by the Local Board, and are in the meantime kept in such a Manner as not to be a Nuisance to his Neighbours,) he shall for each Offence incur a Penalty not exceeding Five Pounds.

Power of Local Board to make Byelaws.

XC. In Cases where the Local Board do not themselves undertake or contract with any Person to undertake to do the following Works, or any of them, that is to say:

(1.) To cleanse the Footways and Pavements adjoining any House:

(2.) To carry away the Dust, Ashes, and Rubbish from any House:

(3.) To empty the Privies and Cesspools belonging to or used by the Dwellers in any House:

They may make Byelaws imposing on the Occupier of any such House all or any of the Duties of cleansing any such Footways and Pavements, of carrying away such Dust, Ashes, and Rubbish, and of emptying any such Privies and Cesspools as are mentioned in this Section, at such Times and in such Manner as they may approve of, and

and they may annex reasonable Penalties for the Breach of such Byelaws. The Power of making Byelaws given by this Section may be exercised by the Local Board as to Part of a District, notwithstanding that such Board themselves undertake or contract with some other Person to undertake in other Parts of the District the Works mentioned in this Section, or any of them, and notwithstanding that the Local Board themselves undertake or contract with some other Person to undertake a Portion of such Works throughout the whole District.

Local Board may make Byelaws as to Nuisances.

XCI. The Local Board may make Byelaws for the Prevention of Nuisances arising from the Deposit of Filth, Dust, Ashes, and Rubbish within their District, and may annex reasonable Penalties for the Breach of such Byelaws.

Public Necessaries. 11 & 12 Vict. c. 63. s. 57.

XCII. The Local Board may, if they think fit, provide and maintain in proper and convenient Situations, Waterclosets, Privies, Urinals, and other similar Conveniences for public Accommodation.

Penalty on Persons erecting Houses without Waterclosets. 11 & 12 Vict. c. 63. s. 51.

XCIII. Every House built after the Date of the Constitution of the District, and every Building converted into a House after such Date, and every House pulled down to or below the Ground Floor after such Date, shall be provided, to the Satisfaction of the Local Board, with a sufficient Watercloset or Privy and an Ashpit, furnished with proper Doors and Coverings; and any Person offending against this Enactment shall incur a Penalty not exceeding Twenty Pounds.

Local Board may order Waterclosets, &c. to be erected in Houses, whether built before or after the Constitution of the District.

XCIV. If at any Time it appears to the Local Board that any House whether built before or after the Date of the Constitution of the District, or any Building converted into a House either before or after such Date, is not provided with a sufficient Watercloset or Privy and an Ashpit, furnished with proper Doors and Coverings, the Local Board may by Notice require the Owner or Occupier of such House, within a reasonable Time, to be specified in such Notice, to provide a sufficient Watercloset or Privy and an Ashpit, so furnished as aforesaid, or either of them, as the Case may require; and if he fails to comply with such Notice the Local Board may themselves do the Works required; and the Expenses incurred by them in so doing shall be recoverable from the Owner in a summary Manner, or may, by Order of the said Local Board, be declared to be private Expenses, and be recovered accordingly; but in Cases where a Watercloset or Privy has been and is used in common by the Inmates of Two or more Houses, and where, in the Opinion of the said Local Board, a Watercloset or Privy may be so used, they shall not require the same to be provided for each House.

Certain Waterclosets to be constructed in Factories, &c. 11 & 12 Vict. c. 63. s. 54.

XCV. If at any Time it appears to the Local Board that any Place is used or intended to be used as a Factory or Building in which Persons of both Sexes, and above Twenty in Number, are employed or intended to be employed at One Time in any Manufacture, Trade, or Business, the Local Board may, by Notice in Writing addressed to the Owner or Occupier of such Place, require them or either of them, within a Time to be specified in such Notice, to construct a sufficient Number of Waterclosets or Privies for the separate Use of each Sex; and any Person neglecting or refusing to comply with any such Notice shall incur for each Default a Penalty not exceeding Twenty Pounds, and a further Penalty not exceeding Forty Shillings for every Day during which the Default is continued.

Restriction on Establishment of offensive Trades. 11 & 12 Vict. c. 63. s. 64.

XCVI. After the Date of the Constitution of any District, the Business of a Blood-boiler, Bone-boiler or Bone-burner, Fellmonger, Slaughterer of Animals of any Description, not intended for Human Food, Soap-boiler, Tallow-melter, Tripe-boiler, or other noxious or offensive Business, Trade, or Manufacture, shall not, without the Consent of the Local Board, be established within the District; and whosoever offends against this Enactment shall incur for each Offence a Penalty not exceeding Fifty Pounds, and a further Penalty not exceeding Forty Shillings for each Day during which the Offence is continued; and the said Local Board may from Time to Time make such Byelaws with respect to any such Businesses established with their Consent as they may think necessary and proper, in order to prevent or diminish the noxious or injurious Effects thereof, and may annex reasonable Penalties for the Breach of any such Byelaws.

Beds of running Streams to be kept clear.

XCVII. When the Contents of any Sewer, or any other Flow of Filth or Refuse, are or is discharged into any River or Stream in the Bed of which the Quantity of Water is so much diminished, either by Drought during the Summer, or by Part being taken off by any natural or artificial Cause, as to be insufficient to keep such Channel clean, it shall be lawful for the Local Board to make Alterations in the Bed of such River or Stream by cutting in such Bed a Channel into which the Sewer or Drain Water may be conducted, or by some similar Operations on the Bed of such River or Stream whereby the Flow of Water diminished as aforesaid in such River or Stream may be accelerated, and such Sewer and Drain Water prevented from spreading over the Surface of such Bed or from accumulating and stagnating in Parts thereof, to the Injury of Health and the Annoyance of the surrounding Population, subject nevertheless to this Restriction, that the Local Board shall not be entitled to diminish in any respect the Quantity of Water flowing in such River or Stream, or to injuriously affect the Rights of any Company

pany or Individuals interested in such River or Stream, or entitled to the Use of the Water therein.

New Streets and Houses.

XCVIII. Every Local Board may make Byelaws with respect to the following Matters; (that is to say,)

Power to make Byelaws with respect to new Houses.

(1.) With respect to the Level and Width of new Streets, and the Provisions for the Sewerage thereof:

(2.) With respect to the Structure of Walls of new Buildings in reference to Stability and the Prevention of Fires:

(3.) With respect to the Sufficiency of the Space in connexion with Buildings, to secure a free Circulation of Air:

(4.) With reference to the Drainage of Buildings, to Waterclosets, Privies, and Cesspools, in connexion with Buildings, and to the closing and Prohibition of Buildings or Parts of Buildings unfit for Human Habitation:

And may annex reasonable Penalties for the Breach of such Byelaws; but no such Byelaw shall affect any Building erected before the Date of the Constitution of the District, unless such Building is pulled down to or below the Ground Floor, or is converted into a Dwelling House, not having been originally constructed for that Purpose.

Streets and Roads.

XCIX. The following Provisions shall be enacted with respect to such Streets and Roads as are at the Date of the Constitution of the District or may thereafter become Highways repairable at the Public Expense; (that is to say,)

Provisions as to Streets and Roads being Highways. 11 & 12 Vict. c. 63. s. 68.

(1.) The Management of all such Streets and Roads as aforesaid, together with all Buildings, Materials, Implements, and other Things provided for the Purposes thereof, shall vest in and belong to the Local Board:

(2.) The Local Board, and none other, shall be the Surveyors of Highways within the Limits of the District, and within those Limits shall have all such Powers and Authorities and be subject to all such Liabilities as any Surveyors of Highways are invested with or subject to by virtue of the Laws for the Time being in force, with this Exception, that the Local Board shall not have Power to levy any Highway Rate within the District, and that the Accounts of the Local Board in respect of such Streets and Roads as aforesaid shall be dealt with in the same Manner as the other Accounts of the Local Board, and not in manner directed by any Act relating to Highways:

(3.) The several Persons who at the Date of the Constitution of the District are Surveyors of Highways within the District may recover any Highway Rate made in respect of the said District, and then remaining unpaid, in the same Manner as if this Act had not been passed; and the Money so recovered shall be applied, in the first place, in reimbursing themselves any Expenses incurred as such Surveyors, and in discharging any Debts legally owing by them on account of the Highways within their Jurisdiction, and the Surplus (if any) shall be paid by them to the Treasurer of the Local Board, and carried to the District Fund Account herein-after mentioned:

(4.) The Local Board shall make good and maintain in proper Repair all such Streets and Roads as aforesaid; they may pave and flag such Streets or any Part thereof; and they may also pave or make good, with such Materials as they think fit, any Footways for the Use of Passengers in any such Streets, and cause such Footways to be repaired from Time to Time:

(5.) The Local Board may from Time to Time cause the Soil of any such Street as aforesaid to be raised, lowered, or altered as they think fit:

(6.) The Local Board shall from Time to Time place such Fences and Posts on the Side of the Footways of such Streets and Roads as may be needed for the Protection of the Passengers on such Footways, and they may place Posts in the Carriageways of such Streets and Roads so as to make the crossing thereof less dangerous for Foot Passengers, and they shall from Time to Time repair any such Fences or Posts, or remove the same, or any Obstruction to any such Carriageway or Footway, as they think fit:

(7.) Nothing herein contained shall deprive any Company or Person of any Right they have possessed previously to the passing of this Act in respect of the laying down, repairing, or altering Pipes under Streets or Roads for the Distribution of Water or Gas:

All Expenses incurred by the Local Board in respect of such Streets and Roads as aforesaid shall be paid out of the General District Rate herein-after mentioned.

Provisions as to Streets and Roads, not being Highways. 11 & 12 Vict. c. 63. s. 69.

C. The following Provisions shall be enacted with respect to Streets, whether formed before or after the Date of the Constitution of the District, that are not Highways repairable at the Public Expense; that is to say,

(1.) In case any such Street as aforesaid, or the Carriageway or Footpath thereof, or any Part thereof, is not sewered, levelled,

levelled, paved, flagged, channelled, or made good to the Satisfaction of the Local Board, such Board may from Time to Time, by Notice in Writing to the respective Owners or Occupiers of the Premises fronting, adjoining, or abutting upon such Parts as may require to be sewered, levelled, paved, flagged, channelled, or made good, require them to sewer, level, pave, flag, channel, or make good the whole Breadth of such Street, or the Carriageway or Footpath thereof, or such Part thereof, within a Time to be specified in such Notice; and if such Notice is not complied with the said Local Board may, if they think fit, execute the Works mentioned or referred to therein, and the Expenses incurred by them in so doing shall be paid by the Owners in default, according to the Frontage of their respective Premises, and in such Proportion as may be settled by the Surveyor of the Local Board, or in case of Dispute by Arbitration in the Manner provided by this Act; and such Expenses may be recovered from the last-mentioned Owners in a summary Manner, or the same may be declared by Order of the said Local Board to be Private Expenses, and be recoverable accordingly:

(2.) In Cases where the Owners of the Premises fronting, adjoining, or abutting on any such Street or Parts of a Street as aforesaid are not entitled to a Right of Way in such Street, then, if any such Street, or the Carriageway or Footpath thereof, or any Part thereof, is not sewered, levelled, paved, flagged, channelled, or made good to the Satisfaction of the Local Board, such Board may from Time to Time, by Notice in Writing to the respective Owners of the Soil of such Street, require them to sewer, level, pave, flag, channel, or put in repair the whole Breadth of such Street, or the Carriageway or Footpath thereof, or such Part thereof, within a Time to be specified in such Notice; and if such Notice is not complied with the said Local Board may, if they think fit, execute the Works mentioned or referred to therein, and upon the Execution thereof, by Notice put up on any Part of such Street, declare the same to be a Highway repairable at the Public Expense, and such Street shall thenceforth be deemed to be a Highway repairable at the Public Expense:

(3.) The Local Board may, from Time to Time, by Notice in Writing, put up in any Part of any such Street as aforesaid, and to be entered amongst the Proceedings of the said Local Board, declare the whole Breadth of such Street, or the Carriageway or Footpath thereof, or any Length of such Street, Carriageway or Footpath, to be a Highway repairable

at the Public Expense, and after the Expiration of a Month from the Date of such Notice being so put up the same shall, subject to the Provision herein-after contained, become a Highway repairable at the Public Expense, and be from Time to Time repaired as such; provided that no such Notice shall be of any Force, nor shall such Street or Portion thereof, Carriageway or Footpath, become a Highway as last aforesaid, if within One Month after such Notice has been put up the Proprietor of such Street or Length thereof, Carriageway or Footpath, or the Person representing or entitled to represent such Proprietor, by Notice in Writing to the said Local Board objects thereto:

(4.) No Rector, Vicar, Curate, Incumbent, Minister, or Preacher of any Church, District Church, Chapel, or other Place which is or may be exclusively appropriated to Public Religious Worship, and which, being other than Churches, District Churches, and Episcopal Chapels of the Established Church, is or may be duly certified according to the Laws for the Time in force for the Performance of such Religious Worship, shall be deemed to be the Owner or Occupier of any such Church, Chapel, or other Place for the Purposes of this Section, or be liable in respect of such Church, Chapel, or other Place, or in respect of any Churchyard or Burial Ground attached thereto, to contribute to any Expenses payable under this Section, nor shall any such Expenses be deemed to be a Charge on such Church, Chapel, or other Place, or on such Churchyard or Burial Ground or to subject the same to Distress, Execution, or other legal Process; and the Local Board may, if they think fit, undertake any Works from the Expenses of which any Rector, Vicar, Curate, Incumbent, Minister, or Preacher is hereby exempted, and pay the Expenses thereof out of the General District Rates levied in pursuance of this Act:

(5.) Any such Church, Chapel, or other Place as aforesaid shall be deemed to be exclusively appropriated to public Religious Worship, notwithstanding the same or any Part thereof is used for Sunday or Infant School, or for the Charitable Education of the Poor.

Power of Local Board with respect to Turnpike Roads.

CI. It shall be lawful for any Local Board, by Agreement with the Trustees of any Turnpike Road within the District, to take upon themselves the following Duties or any of them; that is to say, the Maintenance, Repair, Cleansing, and Watering of such Portion of the said Road as may be within the said District, or any Part of such Portion, on such Terms as the Local Board and the Trustees may

may agree upon between themselves; and Notice of every such Agreement shall be published once at the least in some One Newspaper published in the County within which the District is situate for *Two* successive Weeks after such Agreement has been made, and shall be affixed to the principal Doors of every Church and Chapel within the District to which Notices are usually affixed; and any Person holding any Security for Money advanced to such Trustees, or to whom any Money may be due from such Trustees, if dissatisfied with such Agreement, may appeal against the same to the Court of Quarter Sessions, in the same Manner, and on the same Terms in respect of Notice, as in the Case of Appeals against Rates leviable under this Act; and the Determination of the said Court in respect of such Agreement shall be conclusive and binding on all Persons to all Intents and Purposes.

Local Board may determine whether a Place is a Street or Road.

CII. If any Question arises as to whether any Place is a public Street or a Road, the Local Board may determine such Question, and their Determination shall be final.

Penalty on displacing Stones, &c.

CIII. If any Person wilfully displaces, takes up, or injures the Pavement, Stones, Materials, Fences, or Posts of any public Street or Road, without the Consent of the Local Board, he shall incur for every such Offence a Penalty not exceeding *Five Pounds*, and a further Penalty not exceeding *Five Shillings* for every Square Foot of the Pavement, Stones, or other Materials so displaced, taken up, or injured.

Incorporation of Towns Improvement Clauses Act, 1847.

Incorporation of Provisions of the Towns Improvement Clauses Act, 1847.

CIV. The Provisions of "The Towns Improvement Clauses Act, 1847," with respect to the following Matters, that is to say,

(1.) With respect to naming the Streets and numbering the Houses;
(2.) With respect to improving the Line of the Streets and removing Obstructions;
(3.) With respect to ruinous or dangerous Buildings;
(4.) With respect to Precautions during the Construction and Repair of the Sewers, Streets, and Houses;
(5.) With respect to the Prevention of Smoke;
(6.) With respect to Clocks,

shall be incorporated with this Act, subject to this Qualification, that the above-mentioned Provisions with respect to the Prevention of Smoke shall not extend to any of the Processes following; that is to say, to the coking of Coal, the calcining of Ironstone or Limestone, the making or burning of Bricks, Earthenware, Quarries, Tiles, or Pipes, the raising of any Mines or Minerals, the smelting of Iron Ores, the refining, puddling, shingling, and rolling of Iron or other Metals, or to the

melting and casting of Iron into Castings; but nothing contained in this Section shall preclude any Business, Trade, or Manufacture from being deemed noxious or offensive within the meaning of this Act which might otherwise have been so deemed.

Rule as to Incorporation of Provisions in preceding Section.

CV. The Provisions with respect to any One or more of the Matters mentioned in the last preceding Section may, notwithstanding the Rules herein-before given for the Adoption of this Act, be separately excluded from such Adoption, as if each such Provision were arranged under a separate Heading, and any Provision so excluded may, in the Resolution excluding the same, be described as the Provision with respect to such Matter contained in "The Towns Improvement Clauses Act, 1847," or in any other Manner sufficient to identify the same.

Supply of Water.

Clause S. Provisions with respect to Supply of Water.

CVI. The following Provisions shall be observed with respect to the Supply of Water to any District:

(1.) All public Wells, Pumps, Conduits, or other Works used for the gratuitous Supply of Water to the Inhabitants of the District shall vest in and be under the Control of the Local Board:

(2.) The Local Board shall continue, maintain, and supply with Water all such Works as aforesaid, or substitute other Works equally convenient, and supply the same with Water:

(3.) The Local Board may, for the gratuitous Use of the Inhabitants of the District, construct any Number of new Wells or Pumps, or purchase by Agreement the Surrender of any Lease of existing Wells, Pumps, or Works for supplying Water the Reversion of which is now vested in the Corporation of a Borough, or in any Local Board or Commissioners for public Purposes, but they shall not carry or supply Water to private Houses, nor for trading or manufacturing Purposes:

(4.) The Local Board may cause a Supply of Water to be furnished to any public Baths or Wash-houses:

(5.) The Local Board shall cause Water to be provided in sufficient Quantities for flushing the Sewers and Drains, for putting out Fires, for cleansing and watering the Streets, and for other public Purposes:

(6.) The Expense of providing a Supply of Water for the foregoing Purposes shall be paid out of the General District Rates herein-after mentioned:

(7.) For

(7.) For the above Purposes the Local Board may demand such Supply from any Company at present supplying Water within the District, and such Company or Person shall supply the same within their or his Limits of Supply as herein-after defined, at such Rates, in such Quantities, and upon such Terms and Conditions as may be agreed upon; or, in case of Disagreement, as may from Time to Time be settled by Two Justices, not being Members of the Local Board:

(8.) The Limits of Supply shall, in the Case of a Company or Person authorized by any Act of Parliament or Charter to supply Water, be deemed to be the Limits within which such Company or Person is empowered by such Act of Parliament or Charter to furnish such Supply, and which are not actually for the Time being supplied by any other Company or Person in pursuance of any Act of Parliament or Charter; and, in the Case of any other Company or Person, to be the Limits within which such Compony or Person is at the Date of the passing of this Act actually supplying Water, and has from thenceforth, up to the Date of the Constitution of the District, continued to furnish such Supply:

(9.) If there is not within the District any Company or Person authorized to supply or actually supplying in manner aforesaid Water for public and private Purposes, the Local Board may contract with any Company or Person to supply Water throughout the whole of the District; and if there is within a Part of the District any Company or Person authorized to supply or actually supplying in manner aforesaid Water for public and private Purposes, but the Limits of Supply of such Company or Person do not coincide with the Boundaries of that District, then the Local Board may contract with any Company or Person to supply Water throughout any Part of the District not included within the Limits of Supply of such last-mentioned Company or Person:

(10.) Any Company or Person with whom the Local Board may contract for the Supply of Water for the above-mentioned Purposes may, within the Limits in respect of which such Contract is made, purchase any Land and do and construct and execute all such Works as may be necessary or proper for the Purpose of furnishing a Supply of Water for any of the Purposes herein-before mentioned, and may carry Pipes for the distribution of Water through, across, or under any Turnpike Road, or any Street or Place laid out as or intended for a Street, or under any Cellar or Vault which may be under the Pavement or Carriageway of any Street, or in, through, or under any Lands whatever, making

making Compensation for any Damage done, the Amount thereof to be decided, in case of a Dispute, by Arbitration in the Manner provided by this Act; and any such Company or Person may within the Limits in respect of which such Contract is made furnish Water to any private House or for any trading or manufacturing Purpose.

Supply of Water compulsory when it can be furnished at 3*d.* per Week.

CVII. If it appears to the Local Board that any House is without a proper Supply of Water, and that such Supply can be provided by any Company or Person as aforesaid, at an Expense not exceeding Threepence a Week, the Local Board may serve a Notice on the Owner or Occupier of such House, requiring him to obtain such Supply within a Time to be specified in such Notice, and to do all such Works as may be necessary for that Purpose; and if such Owner or Occupier fails to comply with such Notice the Local Board may themselves do such Works, and all Expenses incurred by them in so doing shall be deemed to be private Expenses, and recoverable accordingly.

Clause T. Offences with respect to Water. 11 & 12 Vict., c. 63, ss. 79, 80.

CVIII. The Offences herein-after mentioned shall be punished in manner following; that is to say,

First, as to injuring Waterworks:

(1.) If any Person wilfully or carelessly breaks, injures, or opens any Lock, Cock, Waste Pipe, or Waterworks belonging to or by means of which Water is supplied to or on account of any Local Board; or,

(2.) Unlawfully flushes, draws off, diverts, or takes Water from any Waterworks belonging to or by which Water is supplied to or on account of any Local Board, or from any Waters or Streams by which such Waterworks are supplied; or,

(3.) Wilfully or negligently wastes or causes to be wasted any Water with which he is supplied by or on account of the said Local Board,

he shall for every such Offence forfeit a Sum not exceeding Five Pounds, and a further Penalty of Twenty Shillings for each Day during which the Offence is committed after written Notice in that Behalf has been given to him:

Second,—As to fouling Water:

(1.) If any Person bathes in any Stream, Reservoir, Conduit, Aqueduct, or other Waterworks belonging to or by which Water is supplied to or on account of any Local Board:

(2.) Washes, cleanses, throws, or causes to enter in any such Stream, Reservoir, Conduit, or other Waterworks, any Animal, Rubbish, Filth, Stuff, or Thing of any kind whatsoever, or causes or permits or suffers to run or be brought therein

therein the Water of any Sink, Sewer, Drain, Engine, or Boiler, or other filthy, unwholesome, or improper Water:

(3.) Does anything whatsoever whereby any Water belonging to or supplied to or on account of any Local Board may be fouled,

he shall for every such Offence forfeit a Sum not exceeding Five Pounds, and a further Sum of Twenty Shillings for each Day during which the Offence is continued after written Notice in that Behalf has been given to him:

Third—As to fouling Water with Gas:

If any Person, being Proprietor of any Gasworks, or engaged in the Manufacture or Supply of Gas, causes or suffers to be brought or to flow into any Stream, Reservoir, Conduit, Aqueduct, or Waterworks belonging to or by which Water is supplied to or on account of any Local Board, or into any Drain or Pipe communicating therewith, any Washing or other Substance produced in the Manufacture or Supply of Gas, or wilfully does any Act connected with the Manufacture or Supply of Gas whereby the Water in any such Stream, Reservoir, Aqueduct, or Waterworks is fouled,

he shall for every such Offence incur a Penalty not exceeding Two hundred Pounds, and after Notice in Writing has been given to him by the Local Board, a further Sum of Twenty Pounds for every Day during which the Offence is continued, or during the Continuance of the Act whereby the Water is fouled; and every such Penalty shall be recoverable, with full Costs of Suit, by Action of Debt; and if any Water supplied by, belonging to, or by which Water is supplied to or on account of any Local Board is fouled in any Manner by the Gas of any such Proprietor or Person as last aforesaid, he shall for every such Offence incur a Penalty not exceeding Twenty Pounds, and a further Sum not exceeding Ten Pounds for every Day whilst the Offence is continued after Notice has been given to him by the Local Board; and for the Purpose of ascertaining whether such Water is fouled by the Gas of any such Proprietor or Person the Local Board may, upon giving Twenty-four Hours Notice of their Intention, lay open and examine any Pipes, Conduits, and Works from which the Gas is supposed to escape; and if upon such Examination it appears that the Water has been fouled by the Gas proceeding from or contained in the Pipes, Conduits, or Works examined, the Expenses of the Examination shall be paid and borne by the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, and be recoverable from him in the summary Manner herein-after provided; but if it appear that the Water has not been fouled, then such Expenses, and all Damages occasioned by the Examination, shall be paid by the

Local Board out of the General District Rates levied under this Act, and be recoverable from them in the summary Manner herein-after provided; but nothing contained in this Section shall prejudice the levying of any Penalties that may be leviable under any other Act of Parliament in respect of the same Matters and Things herein-before mentioned, so that such Penalties are not levied cumulatively.

Lighting.

CLAUSE U. Regulations as to lighting.

CIX. The following Regulations shall be observed with respect to lighting any District:

(1.) The Local Board may cause all Streets and public Buildings under their Control and within their District to be lighted with Gas:

(2.) The Expense of obtaining a Supply of Gas for the foregoing Purposes shall be paid out of the General District Rates herein-after mentioned:

(3.) The Local Board shall demand such Supply from any Company or Person supplying Gas within the District, and such Company or Person shall supply the same, within their or his Limits of Supply, at such Rates, in such Quantities, and upon such Terms and Conditions as may be agreed upon between the Local Board and such Company or Person, or, in the event of Disagreement, may be settled by Two Justices, not being Members of the Local Board:

(4.) The Limits of Supply shall in the Case of a Company or Person authorized by any Act of Parliament or Charter to supply Gas be deemed to be the Limits within which such Company or Person is empowered by such Act of Parliament or Charter to furnish such Supply, and which are not actually for the Time being supplied by any other Company or Person in pursuance of any Act of Parliament or Charter, and in the Case of any other Company or Person, to be the Limits within which such Company or Person is at the Date of the passing of this Act actually supplying Gas, and has from thenceforth up to the Date of the Constitution of the District continued to furnish such Supply:

(5.) If there is not within the District any Company or Person authorized to supply or actually supplying Gas for public and private Purposes, the Local Board may contract with any Company or Person to supply Gas throughout the whole of the District; but if there is within a Part of the District any Company or Person authorized to supply or actually supplying Gas for public and private Purposes, but the Limits of Supply of such Company or Person as herein-before

before defined do not coincide with the Boundaries of that District, then the Local Board may contract with any Company or Person to supply Gas for the foregoing Purposes throughout any Part of the District not included within the Limits of Supply of such last-mentioned Company or Person:

(6.) Any Company or Person with whom the Local Board may contract for the Supply of Gas for the above-mentioned Purposes may, within the Limits in respect of which such Contract is made, purchase any Land, and do and construct and execute all such Works as may be necessary or proper for the Purpose of furnishing a Supply of Gas for any of the Purposes herein mentioned, and may carry Pipes for the Distribution of Gas through, across, or under any Turnpike Road, or any Street or Place laid out as or intended for a Street, or under any Cellar or Vault which may be under the Pavement or Carriageway of any Street, or in, through, or under any Lands whatever, making Compensation for any Damage done, the Amount thereof to be decided in case of dispute by Arbitration in the Manner provided by this Act; and any such Company or Person may, within the Limits in respect of which such Contract is made, furnish Gas to any private House, or for any trading or manufacturing Purpose:

(7.) All Mains for the Distribution of Gas laid down after the passing of this Act by any such Company or Person as lastly herein-before mentioned shall be sunk not less than Eighteen Inches below the Surface of the Ground, and whenever the Supply of Gas is cut off from any House, the Main or Service Pipe shall be well and securely plugged, and any Company or Person making default in so sinking or plugging any such Main or Service Pipe, shall for each Offence, incur a Penalty not exceeding Five Pounds.

Slaughter-houses.

CX. The following Rules shall be observed with respect to Slaughter-houses:

Rules as to Slaughter-houses. 11 & 12 Vict c. 63. ss. 71, 72.

(1.) No Place shall be used or occupied as a Slaughter-house within the District which was not in such Use and Occupation at the Date of the Constitution of the District, and has so continued ever since, unless and until a Licence for the Erection thereof, or for the Use and Occupation thereof as a Slaughter-house, has been obtained from the Local Board; and every Person who, without having first obtained such Licence as aforesaid, uses as a Slaughter-house any Place within the District not used as such at the Date of the Constitution of the District, and so continued to be

used ever since, shall for each Offence incur a Penalty not exceeding Five Pounds, and a like Penalty for every Day after the Conviction for such Offence upon which the said Offence is continued:

(2.) Every Place within the District which has previously to the Date of the Constitution thereof been used as a Slaughter-house shall, within Three Months after such last-mentioned Date, or (in the Case of a Place first used as a Slaughter-house after the Date of the Constitution of the District) previously to the Commencement of such Use, be registered by the Owner or Occupier thereof at the Office of the Local Board in a Book to be kept by them for that Purpose; and every Person who uses or suffers to be used any such Place as a Slaughter-house without its being registered, in compliance with this Section, shall incur a Penalty not exceeding Five Pounds for such Offence, and a Penalty not exceeding Ten Shillings for every Day after the First Day during which such Place is used as a Slaughter-house without having been so registered:

(3.) The Local Board may from Time to Time erect a Slaughter-house on any Land belonging to them, or set apart and improve any Buildings belonging to them for a Slaughter-house:

(4.) As soon as such Buildings are fit for public Use, the Local Board shall give public Notice thereof—

(a.) By Advertisement in some One or more of the Newspapers published in the County in which the District is situate; and

(b.) By causing a Copy of such Notice to be affixed to the principal Doors of every Church and Chapel to which Notices are usually affixed within the District:

(5.) After the Expiration of Ten Days from the Publication and posting of such Notice as aforesaid, no Person shall slaughter any Cattle or dress any Carcase for Sale as Human Food in any Place within the District, other than—

(a.) A Slaughter-house which was in use as such before and at the Time of the Constitution of the District, and has so continued ever since; or,

(b.) Slaughter-houses provided by the Local Board:

And every Person who after such Notice as aforesaid slaughters any Cattle or dresses for Sale any Carcase within the District in any Place not authorized by this Act shall incur for every Offence a Penalty not exceeding Two Pounds:

(6.) The Local Board may make Byelaws—

With respect to the Management of and Charges for the Use of any Slaughter-house so provided by them, and with

with respect to the Inspection and Regulation of all Slaughter-houses whatever within their District, and for keeping the same in a wholesome State:

(7.) The Local Board may purchase or take on Lease any Land necessary for carrying into effect the Objects of this Section.

Pleasure Grounds.

CLAUSE V. Local Board may provide Places of Public Recreation, &c. 11 & 12 Vict. c. 63. s. 74.

CXI. The Local Board may hold, purchase by Agreement, take on Lease, maintain, lay out, plant, and improve Land for the Purpose of being used as Public Walks or Pleasure Grounds, and support or contribute towards any Premises provided for such Purposes by any Person whomsoever.

PART V.

General Provisions.

Cellars.

CLAUSE Q. Cellars, &c. newly built not to be let as Dwelling Rooms. 11 & 12 Vict. c. 63. s. 67.

CXII. It shall not be lawful in any District to let or occupy or suffer to be occupied separately as a Dwelling any Vault, Cellar, or underground Room built or rebuilt after the passing of this Act, or which has not been so let or occupied before the passing of this Act; and it shall not be lawful to let or continue to let or to occupy or suffer to be occupied separately as a Dwelling, any Vault, Cellar, or underground Room that has been so let or occupied before the passing of this Act, unless it possess the following Requisites; that is to say,

Unless the same is in every Part thereof at least Seven Feet in Height measured from the Floor to the Ceiling thereof; nor,

Unless the same is at least Three Feet of its Height above the Surface of the Street or Ground adjoining or nearest to the same; nor,

Unless there is outside of and adjoining the same Vault, Cellar, or Room, and extending along the entire Frontage thereof, and upwards from Six Inches below the Level of the Floor thereof up to the Surface of the said Street or Ground, an open Area of at least Two Feet and Six Inches wide in every Part; nor,

Unless the same is well and effectually drained by means of a Drain, the uppermost Part of which is One Foot at least below the Level of the Floor of such Vault, Cellar, or Room; nor,

Unless there is appurtenant to such Vault, Cellar, or Room the Use of a Watercloset or Privy, and an Ashpit furnished with proper Doors and Coverings, kept and provided according to the Provisions of this Act; nor,

Unless the same has a Fireplace with a proper Chimney or Flue; nor,

Unless the same has an external Window of at least Nine Superficial Feet in Area clear of the Sash Frame, and made to open in such

Manner as is approved by the Surveyor, except in the Case of an inner or back Vault, Cellar, or Room let or occupied along with the front Vault, Cellar, or Room as Part of the same Letting or Occupation, in which Case the external Window may be of any Dimensions, not being less than Four superficial Feet in Area clear of the Sash Frame:

And whosoever lets, occupies, or continues to let, or knowingly suffers to be occupied for Hire or Rent, any Vault, Cellar, or underground Room contrary to this Act, shall be liable for every such Offence to a Penalty not exceeding Twenty Shillings for every Day during which the same continues to be so let or occupied after Notice in Writing from the Local Board in this Behalf; and every Vault, Cellar, or underground Room in which any Person passes the Night shall be deemed to be occupied as a Dwelling within the Meaning of this Act, but the above Rule as respects Areas shall be qualified as follows:

In any Area adjoining a Vault, Cellar, or underground Room, there may be necessary for Access to such Vault, Cellar, or Room, if the same are so placed as not to be over, across, or opposite to the said external Window, and so as to allow between every Part of such Steps and the external Wall of such Vault, Cellar, or Room a clear Space of Six Inches at the least:

Over or across any such Area there may be Steps necessary for Access to any Building above the Vault, Cellar, or Room to which such Area adjoins, if the same be so placed as not to be over, across, or opposite to any such external Window.

CLAUSE R. Time of Provisions coming into operation.

CXIII. The foregoing Provision with respect to the Letting and Occupation of Vaults, Cellars, and underground Rooms shall not, so far as the same relate to Vaults, Cellars, and underground Rooms which have been previously let or occupied as Dwellings, come into force within any District until the Expiration of Six Months from the Time of the Constitution of such District, and every Local Board shall from Time to Time after the passing of this Act cause public Notice of the Provisions of this Act with respect to the Letting and Occupation of Vaults, Cellars, and underground Rooms to be given in such Manner as may appear to them to be best calculated to make the same generally known.

Purchase of Land.

Regulations as to the Purchase of Land.

CXIV. The following Regulations shall be observed with respect to the Purchase of Land by Local Boards; (that is to say,)

1.) The Lands Clauses Consolidation Act, 1845, shall be incorporated with this Act:

(2.) The Local Board shall not put in force any of the Powers of the said Lands Clauses Consolidation Act in relation to the compulsory

compulsory taking of Land except with the Sanction of Parliament, such Sanction to be obtained by the Local Board desirous of taking such Land in manner herein-after mentioned.

Publication of Notices.

CXV. Every Local Board, before applying for the Sanction of Parliament, shall do as follows; (that is to say,)

Publish once at the least in each of Three consecutive Weeks in some Newspaper published in the County in which the District or some Part of the District is situate an Advertisement describing shortly the Nature of the Undertaking in respect of which the Land is proposed to be taken, naming a Place where a Plan of the proposed Undertaking may be seen at all reasonable Hours, and stating the Quantity of Land that they require for the aforesaid Purposes;

Serve a Notice in manner herein-after mentioned on every Owner or reputed Owner, Lessee or reputed Lessee, and Occupier of such Land, defining in each Case the particular Land intended to be taken, and requiring an Answer, stating whether the Person so served assents, dissents, or is neuter in respect of taking such Land.

Services of Notices.

CXVI. Service of the Notices mentioned in the foregoing Section may be made as follows:

By Delivery of the same personally on the Party required to be served, or, if such Party is absent abroad, to his Agent; or

By leaving the same at the usual or last known Place of Abode of such Party as aforesaid; or

By forwarding the same by Post in a registered Letter addressed to the usual or last known Place of Abode of such Party.

Local Board to petition General Board.

CXVII. Upon Compliance with the Provisions herein-before contained with respect to Advertisements and Notices, the Local Board may present a Petition under their Seal to the General Board. The Petition shall state the Land intended to be taken, and the Purposes for which it is required, and the Names of the Owners, Lessees, and Occupiers of Land who have assented, dissented, or are neuter in respect of the taking such Land, or who have returned no Answer to the Notice. It shall pray that the Local Board may, with reference to such Land, be allowed to put in force the Powers of the said Lands Clauses Consolidation Act in relation to the compulsory taking of Land, and such Prayer shall be supported by such Evidence as the General Board requires.

General Board may direct Inquiry.

CXVIII. Upon the Receipt of such Petition, and upon due Proof of the proper Advertisements having been published and Notices served, the General Board shall take such Petition into their Consideration, and they may either dismiss the same, or they may, if they think fit, send an Inspector to the District in which the Land is situate, or take such other Steps as they think proper, for the Purpose of making Inquiry as to the Propriety of assenting to the Prayer of such Petition; but the General Board shall not, until such Inquiry has been made in the District, make any Provisional Order affecting any Land without the Consent of the Owners, Lessees, and Occupiers thereof.

Inspector to give Notice of Inquiry.

CXIX. Before commencing his Inquiry in the District the Inspector shall give such Notice as the General Board directs of his Intention to make the same, and of a Time and Place at which he will be prepared to hear all Persons desirous of being heard before him on the Subject Matter of such Inquiry.

General Board may make Provisional Order.

CXX. After the Completion of the Inquiry as last aforesaid the General Board may, by Provisional Order under their Seal, empower the Local Board to put in force with reference to the Land mentioned or referred to in such Order the Powers of the said Lands Clauses Consolidation Act in relation to the compulsory taking of Land, and it shall be the Duty of the Local Board to serve a Copy of any Order so made in the Manner and upon the Persons in which and upon whom Notices in respect of such Land are herein-before required to be served.

Clause W. General Board to obtain Confirmation of Provisional Order by Parliament.

CXXI. Any Provisional Order so made shall be of no Validity unless the same has been confirmed by Act of Parliament, but it shall be the Duty of the General Board of Health as soon as conveniently may be to obtain such Confirmation, and when so confirmed, such Order shall be deemed to be a Public General Act of Parliament.

Expenses and Rates.

District Fund Account to be kept. 11 & 12 Vict. c. 63. s. 87.

CXXII. The Treasurer of the Local Board shall keep a separate Account, to be called "The District Fund Account," and the Monies carried to such Account under the Directions of this Act shall be applied by the Local Board in defraying such of the Expenses incurred by the Local Board in carrying this Act into execution, and not otherwise provided for, as they think proper.

Compensation in case of Damage

CXXIII. Full Compensation shall be made, out of the General District Rates to be levied under this Act, to all Persons sustaining any

any Damage by reason of the Exercise of any of the Powers of this Act; and in case of Dispute as to Amount the same shall be settled by Arbitration in the Manner provided by this Act; or, if the Compensation claimed do not exceed the Sum of Twenty Pounds, the same may be ascertained by and recovered before Justices in a summary Manner. by Local Board. 11 & 12 Vict. c. 63. s. 144.

CXXIV. All Penalties recovered under this Act, or any Act incorporated herewith, shall, notwithstanding the Provisions of an Act passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth, Chapter Seventy-six, and intituled "An Act to provide for the Regulation of Municipal Corporations in England and Wales," be paid to the Treasurer of the Local Board, and be by him carried to the District Fund Account herein-before mentioned. Application of Penalties. 11 & 12 Vict. c. 63. s. 133.

CXXV. The following Rules shall be observed with respect to the Recovery of the Expenses herein-before declared to be Private Expenses: Rules as to Private Expenses. 11 & 12 Vict. c. 63. c. 90.

(1.) Private Expenses shall carry Interest at the Rate of Five Pounds per Centum per Annum from the Time at which the same are incurred:

(2.) Private Expenses may, by Order of the Local Board, be declared to be a Charge on the Premises in respect of which they have been incurred, and such Charge shall, in the Case of Premises in the Occupation of any Person, be payable by the Occupier, but in the Case of unoccupied Premises be payable by the Owner:

(3.) The Local Board may appoint the Times at which the Principal and Interest due in respect of Private Expenses are respectively to be paid, with this Limitation, that the whole Amount of such Principal and Interest shall be paid off within the Period of Thirty Years from the Time at which such Expenses were incurred:

(4.) If Default is made by any Occupier in Payment of any Principal or Interest due from him in respect of Private Expenses, the Monies so due may be levied by Distress and Sale of the Goods and Chattels of such Occupier; and if Default is made by any Owner in Payment of any Principal or Interest due from him in respect of Private Expenses, the same may be recovered from him in a summary Manner.

CXXVI. The following Deductions shall be allowed to Occupiers in respect of Payments made on account of Private Expenses: Deductions in respect of Private Expenses. 11 & 12 Vict. c. 63. s. 91.

(1.) Every Occupier holding at a Rackrent shall be entitled to deduct from the Rent payable to his immediate Landlord Three

Three Fourths of the Amount paid by such Occupier in respect of Private Expenses:

(2.) Every Occupier holding at a Rent less than Rackrent shall be entitled to deduct from the Rent payable to his immediate Landlord such Proportion of Three Fourths of the Rent as his Rent bears to the Rackrent.

Redemption of Charge for Private Expenses. 11 & 12 Vict. c. 63. s. 92.

CXXVII. At any Time before the Expiration of the Period for which any Charge for Private Expenses is made, the Owner or Occupier of the Premises charged therewith may redeem the same, by paying to the Local Board the Expenses in respect of which the Charge was made, or such Part thereof as may not have been defrayed by Sums already paid in respect of the same.

General Expenses to be defrayed out of General District Rate.

CXXVIII. All Expenses incurred by any Local Board which are not herein-before specially provided for shall be defrayed by a Rate, to be called the General District Rate, and to be levied from Time to Time by the Local Board as Occasion requires.

Regulations as to General District Rate.

CXXIX. The following Regulations shall be observed with respect to General District Rates; that is to say,

First—As to the Incidence of the Rate:

11 & 12 Vict. c. 63. s. 88.

(1.) Subject to the Exceptions herein-after mentioned, the General District Rate shall be a Tax upon the Occupiers of all such Property situate within the District, as is assessable to any Rate for the Relief of the Poor in proportion to the net annual Value of such Property:

(2.) No Property, which if it were situate within the Boundaries of a Parish would be assessable to the Relief of the Poor, shall be exempt from any District Rate by reason of its being Extra-parochial; but such Property shall be subject to such Rate in the same Manner as it would be subject if situate within the Boundaries of some Parish in the District:

(3.) The net annual Value of any Property shall be ascertained by the last preceding Assessment for the Relief of the Poor:

(4.) For the Purpose of assessing the General District Rate, any Person appointed by the Local Board may inspect, take Copies of or make Extracts from, any Rate for the Relief of the Poor within the District; and if any Officer having the Custody of such last-mentioned Rate refuses to permit any such Inspection or the taking of any such Copies or Extract, he shall for each Offence incur a Penalty not exceeding Five Pounds:

(5.) If there is no such Assessment as aforesaid for the Relief of the Poor by Reference to which such net annual Value can be estimated, or if such Assessment is, in the Judgment of the Local Board, an unfair Criterion for making a General District Rate, an Estimate shall be made by a Person appointed by the Local Board for that Purpose, in manner, as near as Circumstances will permit, prescribed by an Act passed in the Seventh Year of the Reign of King William the Fourth, intituled "An Act to regulate Parochial Assessments," or any other Act for the Time being in force for regulating Parochial Assessments:

(6.) Whenever the Name of any Owner or Occupier liable to be rated under this Act is not known to the Local Board of Health, it shall be sufficient to assess and designate him in the Rate as "the Owner" or "the Occupier" of the Premises in respect of which the Assessment is made, without further Description: 11 & 12 Vict. c. 63. s. 101.

(7.) The above Rules shall be subject to the following Exceptions; that is to say, 11 & 12 Vict. c. 63. s. 93.

The Owner, instead of the Occupier, may, at the Option of the Local Board, be rated in Cases—

Where the net annual Value of any Premises liable to Assessment under this Act does not exceed the Sum of Ten Pounds; or

Where any Premises liable to an Assessment are let to weekly or monthly Tenants; or

Where any Premises so liable as aforesaid are let in separate Apartments, subject to this Proviso, that in Cases where the Owner is rated instead of the Occupier he shall be assessed upon such reduced Estimate as the Local Board deems reasonable of the net annual Value, not being less than Two Thirds nor more than Four Fifths of such annual Value:

The Owner of any Tithes, or of any Rentcharge, or the Occupier of any Land used as Arable, Meadow, or Pasture Ground only, or as Woodlands, Market Gardens, or Nursery Grounds, and the Occupier of any Land covered with Water, or used only as a Canal or Towing-path for the same, or as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, shall be assessed in respect of the same in the Proportion of One Fourth Part only of such net annual Value thereof: 11 & 12 Vict. c. 63. s. 88.

(8.) A General District Rate may be raised retrospectively for the Purpose of paying any Charges or Expenses which may 11 & 12 Vict. c. 63. s. 89.

have been incurred at any Time within Twelve Months before the making of the Rate; and when any Rate is appealed against, the Time during which the Appeal remains undecided shall be excluded in calculating such Period of Twelve Months as lastly herein-before mentioned.

Secondly—As to Estimate and Notice of Rate:

11 & 12 Vict. c. 63. s. 98.

(9.) The Local Board of Health, before proceeding to make any General District Rate under this Act, shall cause an Estimate to be prepared of the Money required for the Purposes in respect of which the Rate is to be made, showing the several Sums required for each of such Purposes, the rateable Value of the Property assessable, and the Amount of Rate which for those Purposes it is necessary to make upon each Pound of such Value; and the Estimate so made shall forthwith, after being approved of by the said Local Board, be entered in the Rate Book, and be kept at their Office, open to public Inspection during Office Hours thereat:

11 & 12 Vict. c. 63. s. 99.

(10.) Public Notice of their Intention to make any General District Rate, and of the Time at which it is intended to make the same, and of the Place where a Statement of the proposed Rate is deposited for Inspection, shall be given by the Local Board at least Seven Days before the Day on which the Rate is intended to be made; but in case of Proceedings to levy or recover any Rate, such Notice shall be presumed to have been given, unless the Contrary is proved.

Thirdly—As to Inspection and Amendment of Rate:

11 & 12 Vict. c. 63. s. 100.

(11.) Any Person interested in or assessed to any Rate made under this Act may inspect the same, and any Estimate made previously thereto, and may take Copies of or Extracts therefrom, without Fee or Reward; and whosoever, having the Custody of such Estimate or Rate, refuses to allow or does not permit such Inspection, or such Copies or Extracts to be taken, shall for every such Offence be liable to a Penalty not exceeding Five Pounds:

11 & 12 Vict. c. 63. s. 100.

(12.) The Local Board may from Time to Time amend any Rate made in pursuance of this Act in manner following:

By inserting therein the Name of any Person claiming and entitled to have his Name inserted;

By inserting the Name of any Person who ought to have been assessed;

By striking out the Name of any Person who ought not to have been assessed;

By

By raising or reducing the Sum at which any Person has been assessed, if it appear to the said Local Board that he has been under-rated or over-rated;

By making any other Alteration which will make the Rate conformable to the Provisions of this Act:

And no Amendment so made shall be held to avoid the Rate:

(13.) Any Person who feels himself aggrieved by any such Amendment as aforesaid shall have the same Right of Appeal therefrom as he would have had if the Matter of Amendment had appeared on the Rate originally made; and with respect to him the amended Rate shall be considered to have been made at the Time when he first received Notice of the Amendment; and in the Case of any Person the Amount of whose Rate is increased by the Amendment, or whose Name is thereby newly inserted as aforesaid, the Rate shall not be payable by him until Seven Days after such Notice has been given to him.

Fourthly—As to Publication and Collection of Rate:

(14.) All Rates made under the Authority of this Act shall be published in the same Manner as Poor Rates, and shall commence and be payable at such Time or Times, and either in One Sum or by Instalments, and shall be collected in such Manner and by such Persons, and separately, or with any other Rate or Tax, as the Local Board from Time to Time appoints. 11 & 12 Vict. c. 63. s. 103.

Fifthly—As to the Remedies for Rate:

(15.) If any Person assessed to any such Rate fails to pay the same when due, and for the Space of Fourteen Days after the same has been lawfully demanded in Writing, any Justice may summon the Defaulter to appear before him or any other Justice, at a Time and Place to be mentioned in the Summons, to show Cause why the Rate in arrear should not be paid; and in case the Defaulter fails to appear according to the Exigency of the Summons, or no sufficient Cause for Nonpayment is shown, the Justice may, by Warrant under his Hand and Seal, cause the same, and all Costs of the Proceedings, to be levied by Distress of the Goods and Chattels of the Defaulter: 11 & 12 Vict. c. 63. s. 103.

(16.) In any Proceedings for the Recovery of such Rate, any Number of Persons may be included in the same Information, Summons, or other legal Proceeding:

(17.) If no Distress sufficient to satisfy the Amount can be found within the Jurisdiction of the Justice by whom such Warrant is granted, and it so appears upon Oath before a 11 & 12 Vict. c. 63. s. 103.

Justice of any other County or Jurisdiction in which any Goods or Chattels of the Defaulter may be, the last-mentioned Justice shall indorse his Signature upon the said Warrant, and thereupon the Amount to be levied, or so much thereof as may be unsatisfied, shall be levied of the last-mentioned Goods and Chattels, in the same Manner as if the Defaulter had been assessed in the last-mentioned County:

11 & 12 Vict. c. 63. s. 103.

(18.) If any Person quits or is about to quit any Premises without Payment of any Rate then due from him in respect of such Premises under this Act, and refuses to pay the same, after lawful Demand thereof in Writing, any Justice having Jurisdiction where such Person resides or his Goods are found may summon him to appear, at a Time and Place to be mentioned in the Summons, to show Cause why the Rate so due should not be paid; and in case the Defaulter fails to appear, or no sufficient Cause for Nonpayment be shown, the Justice may, by Warrant under his Hand and Seal, cause the Sum to be levied by Distress of the Goods and Chattels of the Defaulter:

(19.) The Costs of the Levy of Arrears of any Rate may be included in the Warrant for such Levy.

Sixthly—As to Appeal against Rate:

(20.) Any Person may appeal against a Rate upon the Terms and in the Manner in and upon which a Person may appeal against a Rate for the Relief of the Poor.

11 & 12 Vict. c. 63. s. 106.

Seventhly—As to Evidence of Rate:

The Production of the Books purporting to contain any Rate or Assessment made under this Act shall alone, and without any other Evidence whatsoever, be received as primâ facie Evidence of the making and Validity of the Rates mentioned therein.

District may be divided. 11 & 12 Vict. c. 63. s. 89.

CXXX. The Local Board may from Time to Time divide their District into Parts, for all or any of the Purposes of this Act, and make a separate Assessment and levy a separate Rate upon any Part of such District for all or any of such last-mentioned Purposes, taking care nevertheless, in Cases where Expenses are incurred in respect of Two or more Parts of a District in common, to apportion such Expenses between such Parts in an equitable Manner.

Recovery of separate Rate.

CXXXI. Any Rate made in pursuance of the last preceding Section shall be recovered in the same Manner, and be subject to the same Regulations as a General District Rate, or as near thereto as Circumstances admit.

CXXXII. When-

Allowance to be made in case of new Sewer. 11 & 12 Vict. c. 63. s. 89.

CXXXII. Whenever any new Sewer is constructed, if it is proved to the Local Board that any Premises where sufficiently drained before the same is made, they shall deduct from the Amount of Rates otherwise chargeable in respect of such Premises such a Sum and for such Time as the Local Board may, under all the Circumstances of the Case, deem to be just.

Local Board may allow Owners Time for Repayment of Expenses. 11 & 12 Vict. c. 63. s. 146.

CXXXIII. In any Case in which the Local Board may have incurred Expenses for the Repayment whereof the Owner of the Premises for or in respect of which the same are incurred is made liable by this Act, the Local Board may, if they think fit, allow such Owner Time for Repayment, and receive the same by such annual Instalments, not being less than One Thirtieth Part of the entire Sum, together with Interest at the Rate of Five Pounds in the Hundred upon the Sum from Time to Time remaining unpaid, as they, under the Circumstances of each Case, may consider to be just; but although Time for Repayment is allowed as last aforesaid, the Sum due, or so much thereof as may be unpaid, shall from Time to Time in case of Default in Payment at the Times respectively appointed for Payment, be recoverable in like Manner in all respects as the entire Sum might have been recovered if Time for Repayment had not been allowed.

Mortgage of Rates.

Mortgage of Rates. 11 & 12 Vict. c. 63. s. 107.

CXXXIV. The Local Board of Health may, for the Purpose of defraying any Costs, Charges, and Expenses incurred or to be incurred by them in the Execution of this Act, or of any Act incorporated herewith, borrow and take up at Interest, on the Credit of the Charges and Rates authorized to be made or collected under this Act, any Sums of Money necessary for defraying any such Costs, Charges, and Expenses; and for the Purpose of securing the Repayment of any Sums so borrowed, together with such Interest as aforesaid, the said Local Board may mortgage to the Persons by or on behalf of whom such Sums are advanced the said Charges and Rates, or any of them; but the Exercise of the above Power shall be subject to the following Regulations:

(1.) The borrowing such Money shall be sanctioned by an Order of the General Board:

(2.) The Money so borrowed shall not any Time exceed in the whole the assessable Value for One Year of the Premises assessable within the District in respect of which such Money may be borrowed:

(3.) Any Sum so borrowed may, by Agreement with the Mortgagee, be paid off by equal annual Instalments of Principal and Interest, and such borrowing may be for such Time, not

not exceeding Fifty Years, as the Local Board, with the Sanction of the General Board of Health, determine in each Case:

And in Cases where the Local Board borrow any Money for the Purpose of defraying Private Expenses, or Expenses in respect of which they have determined a Part only of the District to be liable, it shall be the Duty of the Local Board, as between the Ratepayers of the District, to make good, so far as they can, the Money so borrowed, as Occasion requires, either out of the Charges herein-before authorized to be created for the Liquidation of Private Expenses, or out of a Rate levied in such Part of the District as aforesaid.

Public Works Loan Commission, under 14 & 15 Vict. c. 23., may make Advances.

CXXXV. The Commissioners acting in the Execution of an Act passed in the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Twenty-three, "to authorize for a further "Period the Advance of Money out of the Consolidated Fund to a "limited Amount, for carrying on Public Works and Fisheries, and "Employment of the Poor," and any Act or Acts for amending or continuing the same may, if they think fit, make Advances to the Local Board of any District for the Purposes of this Act, upon the Security of the Rates to be levied by such Board under this Act, and without requiring any further or other Security than a Mortgage of such Rate.

Money may be borrowed at lower Rates of Interest, to pay off Securities bearing a higher Rate. 11 & 12 Vict. c. 63. s. 109.

CXXXVI. If the Local Board can at any Time borrow at a lower Rate of Interest than that secured by any Mortgage previously made by them, and then outstanding and in force, they may, if they shall think fit, so borrow accordingly, in order to pay off and discharge any of the Securities bearing a higher Rate of Interest, and may charge the Rates which they may be authorized to mortgage under this Act with Payment of the Sum so borrowed, together with the Interest thereon, in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed upon Mortgage.

Power to borrow Money to pay off former Mortgages. 11 & 12 Vict. c. 63. s. 110.

CXXXVII. If at the Time appointed by any Mortgage Deed for Payment of the Principal Money secured thereby the Local Board are unable to pay off the same, they may, if they shall think fit, borrow such Sum of Money as may be necessary for the Purpose of paying off the whole or any Part or the said Principal Monies, and may secure the Repayment of the same, and the Interest to be paid thereon, in the same Manner in all respects as in the Case of Monies borrowed for defraying Costs, Charges, and Expenses incurred by the Local Board in the Execution of this Act.

CXXXVII. The

Incorporation of certain Provisions of the Commissioners Clauses Act, 1847.

CXXXVIII. The Provisions of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed to the Commissioners, shall be incorporated in this Act.

Mortgagees not to have Priority.

CXXXIX. Every Mortgagee shall be repaid the Sums advanced, with Interest, without any Preference the one over the other by reason of any Priority of Advance or of the Date of his Mortgage.

Mortgagees may apply for Receiver

CXL. If any Principal Money or Interest is unpaid, after the Expiration of Six Months from the Time when the same has become due, upon any Mortgage under this Act, the Mortgagees may enforce the Payment of the Arrears so due by the Appointment of a Receiver, in the Manner expressed in the said incorporated Clauses of the said Commissioners Clauses Act, 1847.

Audit of Accounts.

As to Audit of Accounts. 11 & 12 Vict. c. 63. s. 122.

CXLI. The Accounts of the Receipts and Expenditure of the Local Board shall be audited and examined once in every Year at the least, at such Time or Times as may be appointed by such Local Board,—

In case of a District consisting of a Borough, by the Auditors of the Borough;

In case of any other District, by the Auditor of Accounts relating to the Relief of the Poor for the Union in which such District is situate, or if any District is situate in Two or more Unions, by such One of the Auditors for the Time being of any of the said Unions as may from Time to Time be appointed by the Local Board of Health:

And any Auditor acting in pursuance of this Section may disallow any Items of Account that he thinks unauthorized by Law, and any Person aggrieved by such Disallowance may appeal to the General Board against the same.

Power to Auditor to require Production of Books, &c.

CXLII. For the Purpose of any Audit of Account under this Act, every Auditor may, by Summons in Writing, require the Production before him of all Books, Deeds, Contracts, Accounts, Vouchers, and all other Documents and Papers which he may deem necessary, and may require any Person holding or accountable for any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers to appear before him at any such Audit or any Adjournment thereof, and to make and sign a Declaration as to the Correctness of the same; and if any such Person neglects or refuses so to do, or to produce any such Books, Deeds, Contracts, Accounts, Vouchers, Documents or Papers, or to make or sign such

Declaration, he shall incur for every Neglect or Refusal a Penalty not exceeding Forty Shillings, and if he falsely or corruptly makes or signs any such Declaration, knowing the same to be untrue in any material Particular, he shall be liable to the Penalties inflicted upon Persons guilty of wilful and corrupt Perjury; and all Accounts certified by the Auditors or Auditor acting under this Act shall be conclusive to all Intents; and such Auditors or Auditor shall in respect of each Audit be paid, out of the General District Rates levied under this Act, such reasonable Remuneration, not being less than Two Guineas for every Day in which he is employed in such Audit, as the Local Board from Time to Time appoints.

Notice of Audit. 11 & 12 Vict. c. 63. s. 122.

CXLIII. Before each Audit of Accounts under this Act, the Local Board shall give Ten Days Notice of the Time and Place at which the same will be made, by Advertisement in in some One or more of the public Newspapers published in the County in which the District is situate; and a Copy of the Accounts to be audited shall be deposited in the Office of the Local Board, and be open, during Office Hours thereat, to the Inspection of all Persons interested, for Seven Days before the Audit; and all such Persons shall be at liberty to take Copies of or Extracts from the same, without Fee or Reward.

Report of Auditors. 11 & 12 Vict. c. 63. s. 122.

CXLIV. Within Fourteen Days after the Completion of the Audit has been completed, the Auditors or Auditor shall report upon the Accounts audited and examined, and shall deliver such Report to the Clerk of the Local Board, who shall cause the same to be deposited in the Office of the Local Board, and to be published in some One or more of the Newspapers published in the County in which the District is situate.

Notices.

Notices by Local Board, how to be signed.

CXLV. Where any Notice is required to be given by any Local Board under this Act or any Act incorporated herewith, such Notice shall in all Cases be sufficiently executed if signed by the Clerk to the Local Board, or signed, in the Case of a District consisting of a Borough in which there is no such last-mentioned Clerk, by the Town Clerk; and every Notice purporting to be signed by such Clerk shall be receivable in Evidence in all Courts of Justice, and in all legal Proceedings, without any further Proof thereof.

As to Service of Notice on Owners and Occupiers of Buildings and Lands.

CXLVI. Where under this Act, or any Act incorporated herewith, any Notice is required to be given to the Owner or Occupier of any Building or Land, such Notice, addressed to the Owner or Occupier thereof, as the Case may require, may be served on the Occupier of such

such Building or Land, or left with some Inmate of his Abode, or, if there is no Occupier, may be put up on some conspicuous Part of such Building or Land; and it shall not be necessary in any such Notice to name the Occupier or the Owner of such Building or Land; provided that when the Owner of any such Building or Land, and his Residence, are known to the Local Board, it shall be the Duty of the Local Board, if such Owner is residing within the District, to cause every Notice required to be given to the Owner to be served on such Owner, or left with some Inmate of his Abode; and if such Owner is not resident within the District, to send every such Notice by the Post, addressed to the Residence of such Owner.

Notices to be binding on Assigns.

CXLVII. All Notices required under this Act, or any Act incorporated herewith, to be served on any Owner or Occupier shall, if due Service thereof has been once made on any Owner or Occupier, be binding on all Persons claiming by, from, or under such Owner or Occupier, to the same Extent as if such Notice had been served on such last-mentioned Persons respectively.

Byelaws.

Byelaws. 11 & 12 Vict. c. 63. s. 115.

CXLVIII. The Local Board may from Time to Time make such Byelaws as they think fit for the several Purposes for which they are herein-before or by any Incorporated Act empowered to make Byelaws, and from Time to Time repeal, alter, or amend any such Byelaws, provided that such Byelaws are not repugnant to the Laws of England, or to the Provisions of this Act, and are confirmed and published in manner herein-after mentioned.

Byelaws may be enforced by Imposition of Penalties. 11 & 12 Vict. c. 63. s. 115.

CXLIX. The Local Board, by the Byelaws so to be made by them, may impose such reasonable Penalties as they think fit, not exceeding Forty Shillings for each Breach of such Byelaws; but such Byelaws shall be so framed as to allow the Justices before whom any Penalty imposed thereby is sought to be recovered to order the Whole or Part only of such Penalty to be paid, or to remit the whole Penalty.

Byelaws to be confirmed. 11 & 12 Vict. c. 63. s. 115.

CL. No Byelaw made by the Local Board under the Authority of this or any Incorporated Act shall be of any Force until it has been confirmed by the General Board, who are hereby empowered to allow or disallow the same as they think fit.

Notice of Confirmation to be given. 11 & 12 Vict. c. 63. s. 115.

CLI. No such Byelaw shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same has been given in One or more of the Newspapers published in the County within which the District or some Part thereof is situate One Month at least before the making of such Application.

A Copy of proposed Byelaws to be open to Inspection. 11 & 12 Vict. c. 63. s. 115.

CLII. For One Month at least previous to any such Application for Confirmation of any Byelaw a Copy of the proposed Byelaw shall be kept at the Office of the Local Board, and all Persons may at all reasonable Times inspect such Copy without Fee; and the Local Board shall furnish every Person who applies for the same with a Copy thereof, or of any Part thereof, on Payment of Sixpence for every One hundred Words so to be copied.

Publication of Byelaws.

CLIII. Every Byelaw when confirmed shall be printed; a printed Copy thereof shall be hung up in the Office of the Local Board, and a Copy thereof shall be delivered, on Application, to every Ratepayer of the District.

Evidence of Byelaws.

CLIV. The Production of a printed Copy of any Byelaw authenticated by the Seal of the Local Board shall, unless the contrary is shown, be Evidence of the Existence and of the due making of such Byelaw.

Legal Proceedings.

Rules as to Arbitrations.

CLV. Arbitrations under this Act shall be conducted in manner directed by the Companies Clauses Consolidation Act, 1845, and for this Purpose the Clauses of the said Act, with respect to the Settlement of Disputes by Arbitration, shall be incorporated herewith, subject to the Qualification that in Cases where the Board of Trade is thereby authorized to appoint an Umpire, the General Board shall have Power to appoint the same.

Recovery of Penalties, &c.

CLVI. All Penalties under this Act, and all Fees, Damages, Costs, Compensation, or Expenses by this Act directed to be recovered in a summary Manner, may be recovered before Two Justices in manner directed by an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty Queen Victoria, Chapter Forty-three, intituled "An Act to facilitate the Performance of the Duties of "Justices of the Peace out of Sessions within England and Wales "with respect to summary Convictions and Orders."

Appeal to Quarter Sessions. 11 & 12 Vict. c. 63. ss. 72, 135, 188.

CLVII. If any Person feels aggrieved by any Order or Adjudication made by any Justice, or any Order or Requisition made by any Local Board in pursuance of this Act, or any Act incorporated herewith, he may, if such Order, Adjudication, or Requisition involves the Payment or Outlay of a Sum exceeding Ten Pounds, appeal to the Court of Quarter Sessions against any such Order, Adjudication, or Requisition; but no such Appeal shall be entertained unless it is made within Four Months next after the making of such Order, Adjudication, or Requisition, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, is given to the

the Party against whom the Appeal is brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

CLVIII. At the Sessions for which such Notice is given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the Hearing of such Appeal the Court may, if they think fit, mitigate any Penalty, or they may modify, confirm, or quash any Order, Adjudication, or Requisition so made as aforesaid, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs both of the Order, Adjudication, or Requisition, and of the Appeal, as they may think reasonable.

Notice of Action. 11 & 12 Vict. c. 63. s. 139.

CLIX. No Writ or Process shall be sued out against or served upon any Superintending Inspector, or any Officer or Person acting in his Aid, or under the Direction of the General Board, nor against the Local Board, or any Member thereof, or the Officer of Health, Clerk, Surveyor, Inspector of Nuisances, or other Officer or Person whomsoever acting under the Direction of the Local Board, for anything done or intended to be done under the Provisions of this Act, or of any Act incorporated herewith, until the Expiration of One Month next after Notice in Writing has been delivered to him, or left at their or his Office or usual Place of Abode, clearly stating the Cause of Action, and the Name and Place of Abode of the intended Plaintiff, and of his Attorney or Agent in the Cause; and upon the Trial of any such Action the Plaintiff shall not be permitted to go into Evidence of any Cause of Action which is not stated in the last-mentioned Notice; and unless such Notice is proved the Jury shall find for the Defendant; and every such Action shall be brought or commenced within Six Months next after the Accrual of the Cause of Action, and not afterwards, and shall be laid and tried in the County or Place where the Cause of Action occurred, and not elsewhere; and the Defendant shall be at liberty to plead the General Issue, and give this Act and all special Matter in Evidence thereunder.

Tender of Amends.

CLX. If any Party has committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or any Act incorporated therewith, or by virtue of any Power or Authority thereby given, and if before Action brought in respect thereof, such

Party makes Tender of sufficient Amends to the Party injured, such last-mentioned Party shall not recover in any such Action; and if no such Tender has been made, it shall be lawful for the Defendant, by Leave of the Court where such Action is pending, at any Time before Issue joined, to pay into Court such Sum of Money as he thinks fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Things required to be done by Two Justices may, in certain Cases, be done by One.

CLXI. All Things herein, or in any Act incorporated herewith, authorized or required to be done by Two Justices, may be done by any One Magistrate having by Law Authority to act alone for any Purpose with the Powers of Two or more Justices.

Justices not disqualified by being a Member of Local Board.

CLXII. Except in Cases where express Provision to the contrary is made by this Act, no Person shall be disqualified from acting as a Justice of the Peace under this Act by reason of his being a Member of the Local Board of the District within which the Subject Matter of which he has cognizance arises.

Reporting on Execution of Act.

Accounts to be transmitted to the General Board.

CLXIII. Every Local Board shall make a Report, in such Form and at such Time as the General Board from Time to Time directs, of all Works executed by them during the preceding Year, of all Sums received and Disbursements made, and of all other such Matters and Things as the General Board directs, and shall send Copies to the General Board, and deliver a Copy free of Charge to every Ratepayer in the District who applies for the same.

General Board may inspect Districts.

CLXIV. The General Board may from Time to Time direct a Superintending Inspector to visit any District, for the Purpose of making Inquiry as to the Execution of this Act, and as soon as possible after the Completion of such Inquiry he shall report the Result in Writing to the General Board.

General Board to Report to Houses of Parliament.

CLXV. The General Board shall report to both Houses of Parliament the Result of all Inquiries made by their Direction into the Execution of this Act.

Miscellaneous.

Entry upon Lands for the Purposes of this Act. 11 & 12 Vict. c. 63. s. 143.

CLXVI. The Local Board may enter, examine, and lay open any Lands or Premises for any of the Purposes of this Act; and in case the Owner or Occupier of such Lands or Premises refuses to permit the same to be so entered upon, examined, or laid open, the Local Board may, upon Notice to such Owner or Occupier, apply to Two Justices for an Order authorizing the Members of such Local Board,

Board, their Officers and Servants, or any of them, to enter, examine, and lay open the said Lands and Premises for the Purposes aforesaid or any of them, and if no sufficient Cause is shown against the same, the said Justices may make an Order authorizing the same accordingly, and thereupon the Local Board, or any Member thereof, and any Officer and Servant of the Local Board, may, at all reasonable Times between the Hours of Ten in the Forenoon and Four in the Afternoon, enter, examine, or lay open the Lands or Premises mentioned in such Order, for such of the said Purposes as may be specified in the said Order, without being subject to any Action or Molestation for so doing: Provided that, except in case of Emergency, no Entry shall be made or Works commenced under the Powers of this Enactment unless Twenty-four Hours at the least previously thereto Notice of the intended Entry, and of the Object thereof, has been given to the Occupier of the Premises intended to be entered.

Power to require Gas and Water Pipes to be moved. 11 & 12 Vict. c. 63. s. 73.

CLXVII. Whenever, for the Purposes of this Act, the Local Board deem it necessary to raise, sink, or otherwise alter the Situation of any Water or Gas Pipes, Mains, Plugs, or other Waterworks or Gasworks laid in or under any Street, they may, by Notice in Writing require the Person to whom the Pipes, Mains, Plugs, or Works belong to raise, sink, or otherwise alter the Situation of the same, in such Manner and within such reasonable Time as is specified in such Notice, and the Expenses attendant upon or connected with any such Alteration shall be paid by the said Local Board out of the General District Rates levied under this Act, except in Cases where, under any Local Act of Parliament, the Expenses attendant upon or connected with the raising, sinking, or otherwise altering the Situation of any Water or Gas Pipes, Mains, Plugs, or other Waterworks or Gasworks, are directed to be borne by the Person to whom such Pipes or Works belong, in which Cases the Liability of such last-mentioned Person in respect of such Expenses shall continue, in the same Manner and under the same Conditions in all respects as if this Act had not been passed; and if such Notice as aforesaid is not complied with, the Local Board may make the required Alteration; but no Alteration shall be required or made under this Section which will permanently injure any such Pipes, Mains, Plugs, or Works.

Superintending Inspectors may summon Witnesses, and call for Plans, &c. 11 & 12 Vict. c. 63. s. 121.

CLXVIII. During any Inquiry by a Superintending Inspector under this Act, he may summon before him any Persons whomsoever, and examine them upon Oath or otherwise touching any Matter relating to the Purposes of the Inquiry, and he may by any such Summons require any Parochial Officer, or any Officer of or acting under any Corporation, Guardians or Directors of the Poor, and any Commissioner, Trustee, Officer, or Person acting under any Local Act of

Parliament in force within the District to which any such Inquiry may relate, to produce before him any Surveys, Plans, Sections, Rate Books, or other like Documents which may by reason of their Office be in their Custody or Control touching any Matter relating to the Purposes of such Inquiry, and such Inspector may examine, inspect, or take Copies of any such Books, Surveys, Plans, Sections, and Documents, or any of them, or Part thereof; and whosoever wilfully disobeys any such Summons, or prevents any such Inspector from examining, inspecting, or taking Copies as last aforesaid, or refuses to answer any Question put to him by such Inspector for the Purposes of the said Inquiry, shall be liable to a Penalty not exceeding Five Pounds: Provided always, that no Person shall be required to attend in obedience to any such Summons unless the reasonable Charges of his Attendance shall have been paid or tendered to him; and no Person shall be required in any Case, in obedience to any such Summons, to travel more than Ten Miles from his Place of Abode.

Penalty for obstructing Officers, defacing Boards, &c.

CLXIX. Whosoever wilfully obstructs any Superintending Inspector, or any Member of the Local Board, or any Officer or Person duly employed in the Execution of this Act, or destroys, pulls down, injures, or defaces any Board upon which any Byelaw, Notice, or other Matter is inscribed, shall, if the same were put up by Authority of the Local or General Board, be liable for every such Offence to a Penalty not exceeding Five Pounds.

Penalty on Injury to Works, &c. of Local Board.

CLXX. If any Person injures any Works or Materials, or impedes any Sewers belonging to any Local Board, he shall incur for every such Offence a Penalty not exceeding Five Pounds.

Penalty on Occupier preventing Execution of Works. 11 & 12 Vict. c. 63. s. 144.

CLXXI. If the Occupier of any Premises prevents the Owner thereof from obeying or carrying into effect the Provisions of this Act, any Justice to whom Application is made in this Behalf may, by Order, require such Occupier to permit the Execution of the Works required to be executed, if he thinks the same to be such as are necessary for the Purpose of carrying into effect the Provisions of this Act; and if within a reasonable Time after the making of such Order the Occupier against whom it is made refuses to comply therewith, he shall incur a Penalty not exceeding Five Pounds for every Day afterwards during the Continuance of such Refusal; and if the Occupier of any Premises, when requested by or on behalf of the Local Board to state the Name of the Owner of the Premises occupied by him, refuses or wilfully omits to disclose or wilfully misstates the same, any Justice may, on Oath made before him of such Request, and Refusal, Omission, or Mis-statement, summon the Party

Party to appear before him or some other Justice at a Time and Place to be appointed in such Summons, and if after being so summoned he neglects or refuses to attend at the Time and Place so appointed, or if he does not show good Cause for such Refusal, or if such wilful Omission or Mis-statement is proved, the Justice before whom the Party is so summoned may impose upon the Offender a Penalty not exceeding Five Pounds.

Persons giving false Evidence liable to Penalties of Perjury. 11 & 12 Vict. c. 63.

CLXXII. Every Person who, upon any Examination upon Oath under the Provisions of this Act, wilfully and corruptly gives false Evidence, shall be liable to the Penalties of wilful and corrupt Perjury.

CLAUSE X.

Persons acting in execution of Act not to be personally liable. 11 & 12 Vict. c. 63. s. 140.

CLXXIII. No Matter or Thing done or Contract entered into by the Local Board of Health, nor any Matter or Thing done by any superintending Inspector or any Member of a Local Board, or by any Officer or Person acting under the Direction of a Local Board, shall, if the Matter or Thing were done or the Contract were entered into bonâ fide for the Purpose of executing this Act, subject them or any of them personally to any Action, Liability, Claim, or Demand whatsoever; and any Expense incurred by any such Local Board, Member, Officer, or Person acting as last aforesaid, shall be borne and repaid out of the General District Rates levied under the Authority of this Act.

Amendment of clerical Errors.

CLXXIV. The General Board may alter any clerical Errors occurring in any Provisional Order made in pursuance of this Act.

Exemptions from Stamp Duty. 11 & 12 Vict. c. 63. s. 151.

CLXXV. No Advertisement inserted or caused to be inserted by the General or Local Board in the London Gazette or any Paper or Publication under this Act, or for the Purpose of carrying the same into effect, nor any Deed, Award, Submission, Instrument, Contract, Agreement, Receipt, or Writing, made or executed by the said General or Local Board, their Officers or Servants, under or for the Purposes of this Act, nor any Appointment by the General or Local Board of any Officer or Person under this Act, shall be chargeable with any Stamp Duty whatever.

PART VI.

The Repeal of former Acts and the Saving of Rights and Liabilities.

Repeal.

Repeal of 17 & 18 Vict. c. 95.

CLXXVI. The Act passed in the Eighteenth Year of the Reign of Her present Majesty, intituled "An Act to make better Provision for

the Administration of the Laws relating to the Public Health," shall be repealed from the Date of the passing of this Act.

Provision as to Public Health Act, 1848.

CLXXVII. The Public Health Act, 1848, shall not, after the passing of this Act, be applied to any District.

Oxford and Cambridge.

Exception of Oxford and Cambridge. 11 & 12 Vict. c. 63. s. 31.

CLXXVIII. Nothing herein contained with respect to the Constitution of Local Boards shall apply to the City of Oxford, or the Parts within the Jurisdiction of the Commissioners for amending certain Mileways leading to Oxford, and making Improvements in the University and City of Oxford, the Suburbs thereof, and the adjoining Parish of Saint Clement (which Commissioners are hereinafter called the Oxford Commissioners), to the Borough of Cambridge, or the Parts within the Jurisdiction of the Commissioners acting under an Act of the Thirty-fourth Year of the Reign of King George the Third, for amending and enlarging the Powers of a former Act of the same Reign, for the better paving, cleansing, and lighting the Town of Cambridge, for removing and preventing Obstructions and Annoyances, and for widening the Streets, Lanes, and other Passages within that Town (which Commissioners are herein-after called the Cambridge Commissioners).

Adoption of Act by Oxford.

CLXXIX. The City of Oxford, together with the Parts within the Jurisdiction of the Oxford Commissioners, shall be deemed to constitute One Town within the Provisions of this Act, and the Oxford Commissioners shall be deemed to be a Board of Improvement Commissioners authorized to adopt this Act; and if this Act is adopted, either wholly or partially, by such Board, the District so formed shall be called the Oxford District.

Adoption of Act by Cambridge.

CLXXX. The City of Cambridge, together with the Parts within the Jurisdiction of the Cambridge Commissioners, shall be deemed to constitute One Town within the Provisions of this Act, and the Cambridge Commissioners shall be deemed to be a Board of Improvement Commissioners authorized to adopt this Act; and if this Act is adopted, either wholly or partially, by such Board, the District so formed shall be called the Cambridge District.

Local Board of Oxford District.

CLXXXI. The Local Board of the Oxford District shall consist of the Mayor of Oxford and the Vice Chancellor of the University of Oxford, and of Forty-five Commissioners; Fifteen to be elected by the University of Oxford, Fifteen by the Town Council of Oxford, and Fourteen by the Ratepayers of the Parishes situate within the Jurisdiction of the Oxford Commissioners; and the Election of

of such Commissioners shall be conducted in the same Way and subject to the same Regulations in and subject to which the Members constituting the Body of Oxford Commissioners are now respectively chosen by such University, Town Council, and Ratepayers.

Local Board of Cambridge District. 11 & 12 Vict. c. 63. s. 31.

CLXXXII. The Cambridge Commssioners for the Time shall be the Local Board of Health of the Cambridge District.

Quota of Rates to be paid by the Universities, &c. 11 & 12 Vict. c. 63. s. 105.

CLXXXIII. Nothing in this Act shall be deemed to alter or interfere with the Liability of the Universities of Oxford and Cambridge respectively to contribute in the Proportion and Manner specified in any Local Act under which the Oxford and Cambridge Commissioners respectively are at the Time of the passing of this Act acting, towards the Expense of paving and pitching, repairing, lighting, and cleansing, under the Powers of any such Local Act, the several Streets, Lanes, Ways, Alleys, Passages, and Places within the Jurisdiction of such Commissioners respectively; and in case any Difference arises between either of the said Universities and the Local Board of Health with respect to the Proportion and Manner in which the University ought to contribute towards any Expenses under this Act, and to which the University is not liable under any such Local Act, the same shall be settled by Arbitration in manner provided by this Act; and all Rates, Contributions, and Sums of Money which may become payable under this Act by the said Universities respectively, and their respective Halls and Colleges may be recovered from such Universities, Halls, and Colleges, in the same Manner in all respects as Rates, Contributions, and Sums of Money may now be recovered from them by virtue of any Local Act.

Canal Proprietors, &c.

Saving Clause for Proprietors of Canals, &c. 11 & 12 Vict. c. 63. s. 118.

CLXXXIV. No Power given by this Act shall be exercised in such Manner as to do the following Things or any of them:—

(1.) To interfere with any River, Canal, Dock, or Basin so as to injuriously affect the Navigation thereon, or the Use thereof, in Cases where any Corporation, Company, Undertakers, or Individuals are by virtue of any Act of Parliament entitled to navigate on or use such River, Canal, Dock, or Basin, or in respect of the Navigation on or Use of which River, Canal, Dock, or Basin any Corporation, Company, Undertakers, or Individuals are entitled by virtue of any Act of Parliament to the Receipt of any Tolls or other Dues:

(2.) To interfere with any Watercourse in such Manner as to injuriously affect or permanently diminish the Supply of Water to any River, Canal, Dock, or Basin, in Cases where any

Corporation, Company, Undertakers, or Individuals, (being authorized by virtue of any Act of Parliament to navigate on or use such River, Canal, Dock, or Basin, or to demand any Tolls or Dues in respect of the Navigation on or Use of such River, Canal, Dock, or Basin,) would, if this Act had not passed, have been entitled by Law to prevent or be relieved against such Interference:

(3.) To interfere with any Bridges crossing any River, Canal, Dock, or Basin, in Cases where any Corporation, Company, Undertakers, or Individuals are authorized by virtue of any Act of Parliament to navigate or use such River, Canal, Dock, or Basin, or to demand any Tolls or Dues in respect of the Navigation or Use of such River, Canal, Dock, or Basin:

(4.) To execute any Works in, through, or under any Wharves, Quays, Docks, or Basins, to the exclusive Use of which any Corporation, Company, Undertakers, or Individuals are entitled by virtue of any Act of Parliament, or for the Use of which they are entitled by virtue of any Act of Parliament to demand any Tolls or Dues;—

Without the Consent in every Case of such Corporation, Company, Undertakers, or Individuals as are herein-before in that Behalf respectively mentioned, such Consent to be expressed in Writing, in the Case of a Corporation under their Common Seal, and in the Case of a Company, Undertakers, or Individuals, under the Hand of their Clerk or other duly authorized Officer or Agent.

Certain Works to be referred to Arbitration.

CLXXXV. In Cases where any Matters or Things proposed to be done by any Local Board, and which are not within the Prohibition aforesaid, interfere with the Improvement of any River, Canal, Dock, or Basin which any Corporation, Company, Undertakers, or Individuals are entitled by virtue of any Act of Parliament to navigate on or use, or in respect of the Navigation whereon or Use whereof to demand any Tolls or Dues, or interfere with any Works belonging to such River, Canal, Dock, or Basin, or with any Land necessary for the Enjoyment or Improvement thereof, the Local Board shall give to such Corporation, Company, Undertakers, or Individuals as last aforesaid a Notice specifying the Particulars of the Matters and Things so intended to be done; and if the Parties on whom such Notice is served do not consent to the Requisitions thereof, the Matter in difference shall be referred to Arbitration in manner herein-before provided, and the following Questions shall be decided by such Arbitration; (that is to say,)

(1.) Whether the Matters or Things so proposed to be done by the Local Board will cause any Injury to such River, Canal, Dock, Basin Works, or Land as are herein-before mentioned in

in this Section, or to the Enjoyment or Improvement of such River, Canal, Dock, or Basin as aforesaid:

(2.) Whether any Injury that may be caused by such Matters or Things or any of them is or not of a Nature to admit of being fully compensated by Money.

Effect of Arbitration.

CLXXXVI. The Result of any such Arbitration shall be final, and the Local Board shall do as follows; (that is to say,)

If the Arbitrators are of opinion that no Injury will be caused, the Local Board may forthwith proceed to do the proposed Matters and Things:

If the Arbitrators are of opinion that Injury will be caused, but that such Injury is of a Nature to admit of being fully compensated by Money, they shall proceed to assess such Compensation; and upon Payment of the Amount so assessed, but not before, the Local Board may proceed to do the proposed Matters and Things:

If the Arbitrators are of opinion that Injury will be caused, and that it is not of a Nature to admit of being fully compensated by Money, the Local Board shall not proceed to do any Matter or Thing in respect of which such Opinion may be given.

Saving Clause as to Transfer.

CLXXXVII. No Transfer of Powers and Privileges under this Act shall deprive any Corporation, Company, Undertakers, or Individuals authorized by virtue of any Act of Parliament to navigate on any River or Canal, or to demand for their own Benefit in respect of such Navigation any Tolls or Dues, of such Powers and Privileges as are vested in them by any Act of Parliament in relation to such River or Canal.

Power for Corporation to alter Sewers.

CLXXXVIII. Any Corporation, Company, Undertakers, or Individuals authorized by virtue of any Act of Parliament to navigate on or use any River, Canal, Dock, or Basin, or to demand any Tolls or Dues in respect of the Navigation on such River or Canal or the Use of such Dock or Basin, may, at their own Expense, and on substituting other Sewers, Drains, Culverts, and Pipes equally effectual, take up, divert, or alter the Level of any Sewers, Drains, Culverts, or Pipes constructed by any Local Board, and passing under or interfering with such Rivers, Canals, Docks, or Basins, or the Towing Paths of such Rivers, Canals, Docks, or Basins, and do all such Matters and Things as may be necessary for carrying into effect such taking up, Diversion, or Alteration.

Millowners, &c.

Saving Clause for Rights of

CLXXXIX. No Power given by this Act shall be exercised in such Manner as to injuriously affect the Supply, Quality, or Fall of Water

Millowners, &c.

Water contained in any Reservoir or Stream, or any Feeders of such Reservoir or Stream, in Cases where any Company or Individual are entitled for their own Benefit to the Use of such Reservoir or Stream, or to the Supply of Water contained in such Feeders, for the Purpose of any Mills, Mines, Print Works, Bleach Works, or other Trade Purposes without the Consent in Writing of the Parties so entitled to the Use of such Reservoirs, Streams, and Feeders, and also of the Owners thereof, in Cases where the Owners and Parties so entitled are not the same Persons.

Sewers.

Existing Liabilities to make Sewers, &c. not to be discharged. 11 & 12 Vict. c. 63. s. 41.

CXC. Notwithstanding the Adoption or Application of this Act by or to any District the Liability of any Person to defray or contribute towards the Expense of making, completing, altering, amending, or maintaining any Sewer, or any Walls or Works for protecting the Land against the Force or Encroachment of the Sea, or of paving or flagging or putting in order any Street or Road, or any Part thereof within the District, shall, if incurred previously to the Time when this Act is so adopted or applied, continue, and the same may be enforced, as if this Act had not been passed, and the Rates to be levied under this Act shall be made only for Purposes to which such Liability does not extend.

Nuisances.

Act not to affect Nuisances at Common Law.

CXCI. Nothing in this Act contained shall be construed to render lawful any Act or Omission on the Part of any Local Board or Person which is, or but for this Act would be, deemed to be a Nuisance at Common Law, nor to exempt any Local Board or Person guilty of Nuisance at Common Law from Prosecution or Action in respect thereof, nor from the Consequences upon being convicted thereof.

SCHE-

SCHEDULE.

FORM A.

Voting Paper.

ARE YOU, OR NOT, IN FAVOUR OF ADOPTING	Affirmative.	Negative.
The Public Health Act, 1855; or,	Yes. *J. S.*	
The Public Health Act, 1855, with the Exception of the Provisions relating to Officers; or,		No. *J. S.*
The Public Health Act, 1855, with the Exception of the Provision with respect to Works contained in the Towns Improvement Clauses Act, 1847.		

John Smith,

of

N.B.—The Ratepayer will put "Yes" or "No" opposite the Resolution in respect of which he votes, and will add his Initials. He is also required to subscribe his Name and Address at full Length. This Paper will be collected on the of between the Hours of and

TAKE NOTICE.—"If any Person wilfully commits any of the Acts following, that is to say, fabricates, in whole or in part, alters, defaces, destroys, abstracts, or purloins any Voting Paper, or personates any Person entitled to vote in pursuance of the Public Health Act, 1855, or falsely assumes to act in the Name or on the Behalf of any Person so entitled to vote, or interrupts the Distribution of any Voting Papers, or distributes the same under a false Pretence of being lawfully authorized so to do, he shall for every such Offence be liable, on Conviction before Two Justices, to be imprisoned in the Common Gaol or House of Correction for any Period not exceeding Three Months, with or without Hard Labour."—(*Public Health Act*, 1855, Section .)

FORM B.

Voting Paper.

The following Candidates are nominated as Members of the Local Board, that is to say,—

John Brown, of	in the County of	Yes. *T. E.*
John Smith, of	in the County of	
John Jones, of	in the County of	Yes. *T. E.*
John Robinson, of	in the County of	Yes. *T. E.*

Thomas Evans,
of , in the County of

N.B.—The Ratepayer can vote for Candidates. He will put "Yes," opposite the Name of the Person for whom he votes, and will add his Initials. He is also required to subscribe his Name and Address at full Length. This Paper will be collected on the Day of , between the Hours of and .

TAKE NOTICE.—"If any Person wilfully commits any of the Acts following, that is to say, fabricates, in whole or in part, alters, defaces, destroys, abstracts, or purloins any Voting Paper, or personates any Person entitled to vote in pursuance of the Public Health Act, 1855, or falsely assumes to act in the Name or on the Behalf of any Person so entitled to vote, or interrupts the Distribution of any Voting Papers, or distributes the same under a false Pretence of being lawfully authorized so to do, he shall for every such Offence be liable, on Conviction before Two Justices, to be imprisoned in the Common Gaol or House of Correction for any Period not exceeding Three Months, with or without Hard Labour."—(*Public Health Act*, 1855, Section .)

The Public Health Bill
1855.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE

To alter and amend "The Public Heal
Act, 1848."

(*Prepared and brought in by*
Sir Benjamin Hall and Viscount Palmersto

Ordered, by The House of Commons, *to be Prin*
18 *May* 1855.

[Bill 72.]

Under 11 *oz.*

The Public Health Bill, 1855.

[AS AMENDED BY THE SELECT COMMITTEE AND ON RECOMMITMENT.]

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181. Existing Liabilities to make Sewers, &c. not to be discharged	11 & 12 Vict. c. 63. s. 118.
182. Act not to affect Nuisances at Common Law	
183. Saving Rights of Occupiers as to private Expenses	
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PART VI.

The Repeal of former Acts, and General Provisions.

190.	Repeal of 17 & 18 Vict. c. 95. - -	
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192.	Exception of Oxford and Cambridge -	11 & 12 Vict. c. 63. s. 31.
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Schedule.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE AND ON RE-COMMITMENT]

TO

Alter and amend "The Public Health Act, 1848."

[Note.—*The Clauses* A. *to* X. *were added by the Select Committee, and the Clauses* Y. *to* I i. *on Re-commitment.*]

Preamble.

WHEREAS it is expedient that further Provisions should be made for improving the Condition of populous Places in England: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Preliminary.

Short Title of Act.

I. This Act may be cited for all Purposes as "The Public Health Act, 1855."

Division of Act.

II. This Act shall be divided into Six Parts:

The First Part relating to the General Board of Health, their Constitution and Powers;

The Second Part relating to the Adoption and Application of the Act;

The Third Part relating to the Constitution, Proceedings, and general Powers of Local Boards of Health;

The Fourth Part relating to the special Powers of Local Boards of Health;

The Fifth Part relating to Provisions respecting the Exercise of the foregoing Powers;

The Sixth Part relating to the Repeal of former Acts, and General Provisions.

Limits of Act.

III. This Act shall not extend to Scotland or Ireland, and it shall not be adopted by or applied to any Place within the Limits of the Metropolis, as defined for the Purpose of the Registration of Births, Deaths, and Marriages, unless the Public Health Act, 1848, has already been applied to such Place.

Interpretation of certain Terms in this Act.

IV. In the Construction and for the Purposes of this Act and of the several Acts incorporated herewith (if not inconsistent with the Context or Subject Matter) the following Terms and Expressions shall have the respective Meanings herein-after assigned to them; that is to say,

"Person:" The Term "Person" and Words applying to any Individual shall apply to and include Corporations aggregate or sole:

"Owner:" The Term "Owner" shall mean the Person for the Time being entitled to receive the Rack Rent of the Lands or Premises in connexion with which the Term is used, whether on his own Account or as Trustee or Agent for any other Person, or who would be so entitled to receive the same if such Lands or Premises were let at a Rack Rent:

"The Treasury." The Expression "The Treasury" shall mean the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the Time being:

"Borough:" The Term "Borough" shall mean any City, Borough, or Town Corporate specified in the Schedule to the Act passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth, Chapter Seventy-six, and intituled "An Act to provide for the Regulation of Municipal "Corporations in England and Wales," and every Municipal Corporation in England created since the passing of that Act:

"District:" The Term "District" shall mean any Place by which this Act may be adopted, wholly or partially, or to which the same may be applied in manner herein-after mentioned:

"Two Justices:" The Expression "Two Justices" shall mean Two or more Justices assembled and acting together in open Court, or One Stipendiary or Police Magistrate acting in any Police Court, for the District in which the Matter or any Part of the Matter, as the Case may be, requiring the Cognizance of "Two Justices," arises:

The

The Expression "Court of Quarter Sessions" shall mean the Court of General or Quarter Sessions of the Peace held for the County Riding, or Division of the County within which the District or any Part thereof is situate where the Matter requiring the Cognizance of the "Court of General or Quarter Sessions" arises: "Court of Quarter Sessions:"

Whenever the Name of any Officer or Body of Persons having local Jurisdiction in respect of his or their Office, is referred to without Mention of the Locality to which the Jurisdiction extends, such Reference is to be understood to indicate the Officer or Body of Persons having Jurisdiction in that Place within which is situate the Subject Matter to which such Reference applies: "Local Officer:"

The Expression "Public Local Act" shall mean Provisions in any Local Act (whether forming the whole or a Part thereof) having relation to any of the Purposes of this Act, and not conferring or securing Powers or Privileges upon or to Corporations, Companies, Undertakers, or Individuals for their own pecuniary Benefit: "Public Local Act:"

The Expression "Private Local Act" shall mean Provisions in any Local Act (whether forming the whole or a Part thereof) conferring or securing Powers or Privileges upon or to Corporations, Companies, Undertakers, or Individuals, for their own pecuniary Benefit: "Private Local Act:"

The Expression "Improvement Commissioners" shall mean the Commissioners, Trustees, or other Persons entrusted by any Local Act with Powers of cleansing, paving, or otherwise improving any Town: "Improvement Commissioners:"

The Term "Land" shall include Messuages, Buildings, Lands, and Hereditaments of every Tenure, also Rivers, Streams, Wells, and Waters of every Description, also Easements of every Description in respect of the foregoing Particulars: "Land:"

The Term "Drain" shall mean any Drain of and used for the Drainage of One Building only, or Premises within the same Curtilage, and made merely for the Purpose of communicating therefrom with a Cesspool or other like Receptacle for Drainage, or with a Sewer into which the Drainage of Two or more Buildings or Premises occupied by different Persons is conveyed: "Drain:"

The Term "Sewer" shall mean and include Sewers and Drains of every Description, except Drains to which the Word "Drain" interpreted as aforesaid applies: "Sewer:"

The Term "Slaughter-house" shall mean and include the Buildings and Places commonly called Slaughter-houses and Knackers Yards, "Slaughter-house:"

Yards, and any Building or Place used for slaughtering Cattle, Horses, or Animals of any Description, for Sale:

"Street:" The Term "Street" shall include a Square, Circus, Crescent, Terrace, Place, Row, Mews, Alley, Court, Passage, or other like Place in which the Houses are continuous or separated only by small Intervals of Space:

"Public Street:" The Term "Public Street" shall include any Street as hereinbefore defined that is a Highway repairable at the Public Expense:

"Road." The Term "Road" shall include all such of the following Ways as are not included in the above Definition of a Public Street, and are Highways repairable at the Public Expense; (that is to say,) all Bridges, Footways, Horseways, Driftways, Carriageways, Cartways, Churchways, and other Public Ways, with the Exception of Turnpike Roads and County Bridges, which shall not be included in such Term.

Construction of incorporated Acts.

V. In the Construction of the Acts herein-after incorporated with this Act the Expression "the Special Act" shall mean this Act as brought into operation within the District; the "Limits of the Special Act" shall mean the "Limits of the District;" "the passing of the Special Act" shall mean "the Date of the Constitution of the District as herein-after defined;" and the Local Board shall according to the Tenor of the incorporated Act be deemed to be the Promoters of the Undertaking, "Commissioners," "Town Commissioners," or "Undertakers."

PART I.

General Board of Health, their Constitution and Powers.

Constitution of General Board of Health. 17 & 18 Vict. c. 95. s. 2.

VI. The existing General Board of Health, herein-after called "The General Board," shall be continued, and Her Majesty may, from Time to Time, by Warrant under the Royal Sign Manual, appoint a Person to be, during Her Majesty's Pleasure, President of the General Board; and such President and Her Majesty's Principal Secretaries of State for the Time being, and the President and Vice President for the Time being of the Committee of Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations, shall constitute and be the General Board; and during any Vacancy in the said Board the continuing Members thereof may act as if no Vacancy had occurred.

VII. There

Salary of President of General Board. 17 & 18 Vict. c. 95. s. 3.

VII. There shall be paid to the President of the General Board under this Act such Salary, not exceeding Two thousand Pounds per Annum, as may be from Time to Time appointed by the Treasury, but no Salary shall be paid to any other Member of the said Board as such; and such President shall be capable of being elected and of sitting and voting as a Member of the House of Commons.

Board to appoint Medical Council.

VIII. The General Board may appoint a Medical Council consisting of such Number of Persons as the General Board with the Consent of the Treasury may deem expedient. The General Board may assign to such Council such Duties as they think fit; they may remove any Member of such Council, and appoint another Person in his stead; and they may from Time to Time diminish, or, with the Consent of the Treasury, increase the Number of the Medical Council.

Board to appoint Officers. 17 & 18 Vict. c. 95. s. 4.

IX. The General Board may appoint from Time to Time a Medical Officer, a Secretary and Assistant Secretary, and such Clerks and Officers of the said Board, and also so many Superintending Inspectors under such Board, as the Treasury may think fit; they may assign to such Medical Officer, Secretary, Assistant Secretary, Clerk, or Officers, and to any such Superintending Inspector, such Duties as they think fit; and they may remove from his Office any Person mentioned in this Section, and appoint another Officer in his Place.

Treasury to fix Salaries. 17 & 18 Vict. c. 95. s. 5.

X. There shall be paid to the Members of the Medical Council and to the said Medical Officer, Secretary, Assistant Secretary, Clerks, Officers, and Superintending Inspectors, such Fees or Salaries as may from Time to Time be appointed by the Treasury.

Allowances to Superintending Inspectors. 17 & 18 Vict. c. 95. s. 5.

XI. In the Case of any Superintending Inspector, the Treasury may allow, in addition to his Salary, such reasonable travelling and other Expenses as may be incurred by him in the Performance of the Duties of his Office.

General Board to issue Forms of Instruments.

XII. The General Board may from Time to Time prepare or sanction Forms of the various Notices, Petitions, Voting Papers, and other Instruments required by this Act, and may from Time to Time make such Alterations therein as they deem requisite; but they shall, before finally issuing or altering any such Form, give such public Notice thereof as they deem necessary in order to prevent Inconvenience; any Form so prepared or sanctioned shall be distinguished by some Mark, and any Instrument made in such Form shall be deemed sufficient in Law.

Penalty upon Inspector interested in

XIII. No Superintending Inspector employed by the General Board shall in anywise be concerned or interested in any Bargain or

Contracts or taking Fees improperly.

or Contract made for the Purposes of this Act; and if any such Inspector is so concerned or interested, or, under colour of his Employment, exacts, takes, or accepts any Fee or Reward whatsoever, other than his proper Salary and Allowances, he shall for each Offence incur a Penalty not exceeding Fifty Pounds.

All Powers, &c. vested in Board may be exercised by the President or any Two Members. 17 & 18 Vict. c. 95. s. 6.

XIV. All Powers and Duties vested in the General Board, or which may be hereafter vested in such Board, may be exercised and performed by the President for the Time being of such Board alone, or by any Two or more Members thereof; and all Documents whatever purporting to be issued or written by or under the Direction of the General Board, and purporting either to be sealed with the Seal of such Board, or to be signed by One of the Members thereof, or by the Secretary of such Board, shall be received in Evidence, and shall be deemed to be issued or written by or under the Direction of the said Board, without further Proof, unless the contrary is shown.

Salaries, how paid. 17 & 18 Vict. c. 95. s. 10.

XV. All Salaries payable under the First Part of this Act, and all incidental Expenses of the General Board, shall be paid out of such Monies as may be provided by Parliament.

Duration of General Board.

XVI. The General Board shall continue for the Period of Two Years next ensuing the Date of the passing of this Act, and from thenceforth until the Expiration of the next Session of Parliament and no longer.

PART II.

Adoption and Application of the Act.

Preliminary.

Definition of "Ratepayer." 1 & 2 W. 4. c. 60. s. 7. 11 & 12 Vict. c. 63. s. 20.

XVII. For the Purpose of doing any Act or enjoying any Privilege within any Place, in pursuance of the Provisions herein-after contained, the Persons herein-after mentioned, and no others, shall be deemed to be Ratepayers, that is to say, Persons who are not in receipt of Parochial Relief, and have also complied with all the following Conditions; (that is to say,)

(1.) Have been rated to the Relief of the Poor of such Place, or of some Part of such Place, for the Year immediately preceding

preceding the Time of their requiring to do such Act, or to enjoy such Privilege; also,

(2.) Have paid all Sums of Money that may be due from them in respect of such Rating, as lastly herein-before mentioned, with the Exception of such Sums as may have accrued due during the Six Months immediately preceding the Time of their requiring to do such Act or to enjoy such Privilege; also,

(3.) In Cases where "The Public Health Act, 1848," or this Act is in force within such Place, or any Part thereof, have paid all Rates, Charges, and other Sums of Money that may be due from them by virtue of the said Acts, or either of them, with the Exception of such Rates, Charges, and Sums as may have accrued due during the Six Months immediately preceding the Time of their requiring to do such Act or to enjoy such Privilege.

Provision as to Ratepayer in Extra-parochial Place.

XVIII. In Cases where any Person will, if this Act is adopted by any Place, be liable to contribute to any Rate levied under this Act, although he is not for the Time being liable to be assessed to any Rate for the Relief of the Poor, by reason of his Property being extra-parochial, such Person may, on making an Application to such Summoning Officer as is herein-after mentioned, and on proving such eventual Liability, be empowered to vote as a Ratepayer in respect of the Adoption of this Act, and he shall, in the event of such Adoption being made, either wholly or partially, and upon Compliance with the Provisions of the last Section, so far as the same are applicable to his Case, have as respects this Act all the Privileges of a Ratepayer.

Provisions as to Corporations, &c. voting as Ratepayers.

XIX. In Cases where a Corporation Aggregate, a Joint Stock or other Company, or any Body of Proprietors or Undertakers, is rated to the Relief of the Poor in respect of any Property belonging to them, such Corporation, Company, Body of Proprietors or Undertakers respectively, shall be deemed to be One Ratepayer for the Purpose of doing any Act or enjoying any Privilege under the Provisions herein contained, and may vote by Proxy, appointed in Writing under the Common Seal in case of a Corporation, or in any other Case under the Hands of Three Directors or other Persons in the Direction or Management of the Company or Concern; but no Member of such Corporation, nor Proprietor or Person interested in such Company or Concern, shall be entitled to act individually as a Ratepayer in respect of such Property.

Adoption of the Act by Places having a known and defined Boundary.

CLAUSE A. Power for Place to adopt Act.

XX. Any Place, having a known or defined Boundary, may adopt this Act either wholly or partially; upon a partial Adoption it shall be competent for such Place to exclude any of the Provisions contained in the Fourth Part of this Act, but no other, subject to this Proviso, that it shall not be lawful to exclude a Portion only of the Provisions comprehended under any One Heading.

Act to be adopted by Resolution of Council, Local Board Improvement Commissioners, or Ratepayers.

XXI. The Adoption of this Act, either wholly or partially, shall be testified as follows; (that is to say,)

(1.) In Boroughs to which the Public Health Act, 1848, has not been applied—by a Resolution of the Council assembled at a Meeting held for the Purpose:

(2.) In Districts (including Boroughs) to which the Public Health Act, 1848, has been applied, by a Resolution of the Local Board of Health assembled at a Meeting for the Purpose:

(3.) In Towns under the Jurisdiction of a Board of Improvement Commissioners, a Majority of whom are elected by the Ratepayers, by a Resolution of such Improvement Commissioners assembled at a Meeting held for the Purpose:

(4.) In all other Places by a Resolution of the Ratepayers.

As to Resolution of Council, Local Board of Health, or Improvement Commissioners.

XXII. No Resolution for the Adoption of this Act either wholly or partially passed by any Council, Local Board of Health, or Board of Improvement Commissioners, at any Meeting, shall be valid, unless a Month's previous Notice of such Meeting has been given in manner in which Notices of Meetings of such Council, Local Board, or Board of Commissioners are usually given, nor unless Two Thirds of the Members present at the Meeting concur in the Resolution for such Adoption; and it shall be lawful for the Chairman of any such Meeting, with the Consent of a Majority of the Members present, to adjourn the same from Day to Day.

CLAUSE B. Application for Meeting of Ratepayers.

XXIII. In Places not being Boroughs, Districts to which the Public Health Act, 1848, has been applied, or Towns under the Jurisdiction of such Improvement Commissioners as are herein-before mentioned, the following Officers, herein-after included under the Term Summoning Officer, that is to say, the Churchwardens or One of them, or if there are no Churchwardens, the Overseers or One of them, or if there is no such Officer in any of the foregoing Places, or if he neglects, is unable, or refuses to perform the Duties hereby imposed on him, any Person appointed by the General Board, shall, upon an Application

Application being made to him in Writing by any Ten Ratepayers of any such Place, call a Meeting of the Ratepayers of the Place, for the Purpose of taking into consideration the Adoption of this Act.

CLAUSE C. Notice of Meeting.

XXIV. Upon the Receipt of such Application the Summoning Officer shall fix a Time and Place for holding such Meeting, and shall forthwith give Notice thereof,

By Advertisement in some One or more of the Newspapers published in the County in which such Place is situate:

By causing such Notice to be affixed to the principal Doors of every Church and Chapel in the Place to which Notices are usually affixed.

CLAUSE D. Meeting to choose Chairman.

XXV. The Meeting, on its assembling together, shall choose One of its Number as Chairman: The Person so chosen shall preside and regulate the Proceedings at such Meeting, and may, with the Consent of a Majority of the Persons present, adjourn the same from Day to Day.

Rules as to passing of Resolutions of Ratepayers.

XXVI. The Chairman shall propose to the Meeting any Resolution in relation to the Adoption of the Act: If a Poll is demanded by One Fourth of the Ratepayers present, it shall be taken in manner hereinafter mentioned; but if no Poll is demanded, or if the Demand for a Poll is withdrawn by the Parties making the same, a Declaration by the Chairman that the Opinion of the Meeting is in favour of or against any Resolution, as the Case may be, shall, in the Absence of Proof to the contrary, be sufficient Evidence that the Resolution is passed.

Poll how taken.

XXVII. The following Regulations shall be observed with respect to the taking of a Poll; that is to say,

(1.) The Summoning Officer shall, as soon as may be after the Meeting at which a Poll is demanded, appoint a Day or Days for taking the same, and publish such Appointment by affixing a Notice thereof to the principal Doors of every Church or Chapel within the Place to which Notices are usually affixed: He shall also cause Voting Papers to be prepared, specifying the Resolution or Resolutions in respect of which a Poll has been demanded:

(2.) Such Voting Papers shall be in the Form marked A. in the Schedule hereto, or in such other Form as may from Time to Time be approved by the General Board:

(3.) The Summoning Officer shall, Three Days before the Day appointed for taking the Poll, cause a Voting Paper to be delivered through the Post or otherwise to each Ratepayer; but no Ratepayer shall be entitled to more than One Vote:

(4.) Each Voter shall fill up the Voting Paper by writing the Word "Yes" or "No" opposite to the Resolution for or against which he votes, together with his Initials, and shall subscribe his Name at the Foot of the Voting Paper:

(5.) The Summoning Officer shall cause the Voting Papers to be collected on the Day or Days appointed for the taking of the Poll, by Persons to be employed for the Purpose, in such Manner as he directs; but, except as herein-after mentioned, no Voting Paper shall be received unless the same is collected by the Persons employed for that Purpose:

(6.) If any Person qualified to vote has not received a Voting Paper, he shall, on Application to the Summoning Officer, before the Day appointed for the taking of the Poll, be entitled to receive a Voting Paper from him; and in case any Voting Paper has not been collected through the Default of the Summoning Officer, or the Person employed to collect the same, the Voter, in Person, may deliver the same to the Summoning Officer on the Day appointed for the taking of the Poll:

(7.) The Summoning Officer shall examine the Votes so delivered to him, and having ascertained their Validity, shall sum up the Result; and any Resolution in favour of which a Majority of Votes has been given shall be deemed to be a Resolution of the Ratepayers of the Place:

(8.) The Summoning Officer shall publish the Result of any Poll so taken as aforesaid by affixing Notice thereof to the principal Doors of the Churches and Chapels within the Place to which Notices are usually affixed:

(9.) The Voting Papers, together with all Documents relating to the taking of the Poll, shall be retained by the Summoning Officer for Six Months after the taking of the Poll, and shall be open to public Inspection at such Place as he may appoint at all reasonable Hours:

(10.) All Expenses incurred by the Summoning Officer of any Place in pursuance of this Section shall, if this Act is adopted, be paid out of the General District Rates hereinafter mentioned, but, if this Act is not adopted, be a Charge on and payable out of the Poor Rate, in the same Manner as if the same

same were Expenses incurred in the Relief of the Poor of such Place.

CLAUSE E. Penalty for forging, &c. of Voting Papers.

XXVIII. If any Person wilfully commits any of the Acts following, that is to say, fabricates, in whole or in part, alters, defaces, destroys, abstracts, or purloins any Voting Paper, or personates any Person entitled to vote in pursuance of this Act, or falsely assumes to act in the Name or on the Behalf of any Person so entitled to vote, or interrupts the Distribution of any Voting Papers, or distributes the same under a false Pretence of being lawfully authorized so to do, he shall for every such Offence be liable, on Conviction before Two Justices, to be imprisoned in the Common Gaol or House of Correction for any Period not exceeding Three Months, with or without Hard Labour.

CLAUSE F. Provision as to less Place included within the Limits of a greater.

XXIX. In Cases where any Place hereby authorized to adopt this Act includes within its Limits any less Place which, if it were not so included, would of itself be authorized to adopt this Act, such less Place shall not be entitled to adopt this Act unless the greater Place within the Limits of which it is included has refused to adopt the same, or unless it has been determined by the General Board, in manner herein-after mentioned, that such less Place ought, as respects the Adoption of this Act, to be excluded from the Lmits of such greater Place.

Appeal against Adoption of Act.

Appeal against Resolution adopting Act.

XXX. In Cases where a Resolution adopting this Act wholly or partially, as aforesaid, has been passed in any Place having a known and defined Boundary, if any Number being not less than One Tenth of the Ratepayers of such Place are desirous that any Part of such Place should be excluded from the Operation of this Act, or of any of the adopted Provisions thereof, they may present a Petition to the General Board appealing against such Resolution, and praying that such Exclusion may be made

Petition to General Board.

XXXI. Such Petition shall be presented to the General Board within Fourteen Days from the Date of the passing of the Resolution appealed against, and shall state the following Things:

(1.) The Part of the Place proposed to be excluded, accompanied with an explanatory Plan; and

(2.) The Reasons for such Exclusion:

It shall be subscribed by the Ratepayers presenting the same, and the Genuineness of such Subscription, and the Truth of the State-

ments on the Petition, shall be proved in such Manner as the General Board directs.

Power of General Board, on Receipt of Petition.

XXXII. Upon the Receipt of any such Petition as aforesaid, the General Board may, if they think fit, send an Inspector to the proposed District, for the Purpose of making Inquiry,

(1.) As to the Genuineness of the Petition; and

(2.) As to the Matters alleged in such Petition.

Inspector to give Notice of Inquiry.

XXXIII. Before commencing such Inquiry, the Inspector shall give such Notice as the General Board directs of his Intention to make the same, and of a Time and Place at which he will be prepared to hear all Persons desirous of being heard before him upon the Subject of such Inquiry.

General Board to make Order.

XXXIV. The General Board shall make such Order as they think just with respect to the Matters in question on such Appeal, and such Order shall be binding on the Place in respect of which it is made, and there shall be stated in such Order the Time at which this Act is to come into force; and the General Board may make such Order as to the Costs of such Appeal, and the Parties by whom such Costs are to be borne, as they think fit.

Adoption of Act by Place not having a known or defined Boundary.

Clause G. Place with an undefined Boundary may petition to have Boundary settled.

XXXV. Any Place not having a known and defined Boundary, or any Part of a Place that has a known and defined Boundary, provided that such first-mentioned Place or such Part of a Place does not form Part of a Borough, or of a District to which the Public Health Act, 1848, has been applied, or of a Town having such a Board of Improvement Commissioners as are herein-before authorized to adopt this Act, may, in manner herein-after mentioned, petition the General Board to settle its Boundary, for the Purposes of this Act.

Rules as to Petitions for Settlement of Boundaries.

XXXVI. The following Rules shall be observed with respect to Petitions presented to the General Board for the Settlement of Boundaries; (that is to say,)

(1.) The Petition shall state the proposed Boundaries of the Place, shall be signed by One Tenth of the Ratepayers resident within such Boundaries, and shall be supported by such Evidence as the General Board requires:

(2.) Upon the Receipt of such Petition the General Board may, if they think fit, send an Inspector to the Place for the Purpose of making Inquiries as to the Genuineness of the Petition, and as to the Propriety of the proposed Boundaries:

(3.) Before

(3.) Before commencing such Inquiry the Inspector shall give such Notice as the General Board directs of his Intention to make the same, and of a Time and Place at which he will be prepared to hear all Persons desirous of being heard before him on the Subject of such Inquiry:

(4.) The General Board may, upon Consideration of the Matter, either dismiss the Petition altogether, or make such Order as they think fit as to the Boundaries of the Place: They may also make such Order as they think reasonable as to the Costs of the Proceedings under this Section, and the Parties by whom such Costs are to be borne.

CLAUSE H. Place may adopt Act when Boundary settled.

XXXVII. Any Place, the Boundaries of which have been settled by the General Board, in pursuance of the foregoing Section, shall thenceforth for the Purposes of this Act be deemed to be a Place with a known and defined Boundary, and may adopt this Act accordingly, and for the Purpose of enabling it so to do the General Board shall, by the Order settling such Boundaries, appoint a Summoning Officer, whose Duty it shall be forthwith to take all such Steps as may be necessary for convening a Meeting of the Ratepayers to adopt this Act; and if such Officer dies, becomes incapable, neglects, or refuses to perform his Duties, the General Board may, on the Application of any Four Ratepayers, appoint another Officer in his Room.

CLAUSE I. No Appeal by Part of Place.

XXXVIII. No Part of a Place the Boundaries of which have been so settled as aforesaid shall appeal against the Adoption of this Act by such Place.

General Provisions in relation to Adoption.

Notice of Resolution adopting Act.

XXXIX. Whenever a Resolution adopting this Act, wholly or partially, has been passed in any Place, Notice thereof shall be given to the General Board by the following Persons; that is to say,

In Boroughs by the Mayor:

In Districts to which the Public Health Act, 1848, has been applied, by the Chairman of the Local Board of Health:

In Towns under the Jurisdiction of such Improvement Commissioners as aforesaid, by the Chairman of the Board of Commissioners:

In other Places by the Summoning Officer:

The Notice so sent shall be in Writing under the Hand of the Officer hereby required to give the same; and it shall be the Duty of such

such last-mentioned Officer to publish a Copy of such Notice in manner following; that is to say,

By Advertisement in the London Gazette, and in some One or more of the Newspapers published in the County in which such Place is situate:

By causing a Copy of such Notice to be affixed to the principal Doors of every Church and Chapel in such Place to which Notices are usually affixed.

Act when to take effect.

XL. Whenever any Resolution adopting this Act in whole or in part has been passed in any Place, this Act or such Provisions thereof as may have been adopted shall, at the Expiration of Two Months from the Date of the passing of such Resolution, or in the event of an Appeal being made to the General Board then at such Time as may be mentioned in the Order made by the General Board on such Appeal, have the Force of Law within such Place; and the Expiration of such Period of Two Months, or such Date as may be mentioned in the Order of the General Board as the Time for this Act or the adopted Provisions thereof to come into force, shall herein-after be called the Date of the Constitution of the District.

Transfer of Powers to Local Board of Health.

XLI. Upon the Adoption of this Act wholly or partially by any Place, all such Powers and Privileges relating to the Purposes of this Act, or to the adopted Provisions thereof, as are vested in any Local Authority, other than the Local Board of Health in Districts constituted under the Public Health Act, by virtue of any Public Local Act in force within any such Place as aforesaid, shall be transferred to and vested in the Local Board of Health of such Place.

Consequences of Transfer of Powers and Privilege to Local Board of Health.

XLII. Whenever any such Transfer of Powers and Privileges from any Local Authority to any Local Board of Health has taken place, the following Things shall be done:

(1.) Property of every Description held by or in trust for the Local Authority for the Purposes of such Powers and Privileges, and all Powers of levying Rates, Tolls, and other Dues which may be Securities for Debts contracted for such Purposes, shall be transferred to the Local Board, but subject to any Charges or Liabilities affecting the same:

(2.) All Debts and Obligations incurred, all Contracts entered into, and all Matters and Things engaged to be done by, with, or for the Local Authority in respect of such Powers and Privileges, shall be deemed to have been incurred, entered into, or engaged to be done by, with, or for the Local Board; and all such Debts, Obligations, Contracts, Matters, and Things, and all Securities for the same, and all Penalties

Penalties and Forfeitures for the Nonperformance thereof, shall be enforceable by or against the Local Board to the same Extent as the same would, if no such Transfer had taken place, have been enforceable by or against the Local Authority:

(3.) The Local Board may pay, satisfy, and perform all such of the Debts, Contracts, Obligations, Matters, and Things lastly herein-before mentioned as are on their Part to be paid, satisfied, and performed by all or such One or more of the following Means as they think fit; that is to say, by and out of the Property hereby transferred to them, or by and out of the Rates, Tolls, and Dues by this Section authorized to be levied by them, or by and out of any other Property held by them, or any Rates, Tolls, or Dues made and levied by them under this Act:

(4.) All Actions, Suits, and other legal Proceedings, civil or criminal, commenced or which might have been commenced by or against the Local Authority in relation to such Powers and Privileges, may be continued or instituted by or against the Local Board:

(5.) All Persons having in their Custody, Power, or Possession any Money collected for the Purposes of such Powers or Privileges, or any Books, Papers, or Writings relating to the same, shall pay and deliver the same to the Local Board of Health, or to such Persons as they may appoint; and in case of Refusal or Neglect the Person so refusing or neglecting shall for each Offence incur a Penalty not exceeding Fifty Pounds, and shall be liable, at the Instance of the Local Board of Health, to the same Actions, Suits, or other Proceedings as they would respectively have been liable to at the Instance of the Local Authority previously to such Transfer of Powers and Privileges.

Effect of Adoption of Act by District to which Public Health Act, 1848, has been applied.

XLIII. Whenever this Act is adopted wholly or partially by any District within which the Public Health Act, 1848, or any Part thereof, is in force, then, in addition to the foregoing Results, the following Consequences shall ensue; that is to say, if this Act is adopted in the whole, it shall be considered as substituted for the Public Health Act, 1848, and for any Order in Council or Provisional Order made in pursuance thereof, or any Local Act applying the same; and any Provisions contained in the said Public Health Act, 1848, or in such Order in Council or Provisional Order or Local Acts, inconsistent with the Provisions of this Act, shall thenceforth be repealed, except so far as such Provisions relate to the Constitution

and Election of the Local Board; and if this Act is adopted only in part the Provisions so adopted shall be considered as substituted for the corresponding Provisions, if any, of such Public Health Act, Order in Council, Provisional Order, or Local Act; and any Provisions contained in the said Public Health Act, 1848, or in such Order in Council, Provisional Order, or Local Act, inconsistent with the Provisions so adopted, shall thenceforth be repealed; but no such Substitution or Repeal shall affect any Right or Liability under any existing Contract, or any Remedy for enforcing such Right or Liability.

Power for Place to make further Adoption.

XLIV. Any Place that has adopted this Act partially may, in manner herein mentioned at any Time or Times thereafter, adopt any Part or Parts previously excluded from Adoption.

Rules as to Objections.

XLV. No Objection shall be made at any Trial or in any legal Proceeding to the Validity of the Adoption of this Act, either wholly or partially, or to the Validity of any Proceedings taken in pursuance of the Second Part of this Act, or to any Order made by the General Board in pursuance of such Second Part, or to any Proceedings upon which such Order was founded, unless the Objector has given Fourteen Days previous Notice to the other Parties interested in such Trial or Proceeding of his Intention to make the same, specifying fully the Nature of the Objection to be made; and no Objection whatever in respect of the Matters mentioned in this Section shall be admissible at any Trial or in any legal Proceeding after the Expiration of Three Calendar Months from the Date of the Constitution of the District.

Clause K. Evidence.

XLVI. The Adoption of this Act may be proved at any Trial or in any legal Proceeding, by a printed Paper purporting to be the London Gazette, and containing a Notice to the Effect that a Resolution adopting this Act has been passed in such Place.

Certain Costs, with Consent of Treasury, to become a Charge upon the General District Rates. 11 & 12 Vict. c. 63. s. 11.

XLVII. In Cases where this Act has been adopted, wholly or partially, by any Place, all Costs, Charges, and Expenses incurred by the General Board, in relation to any such Adoption, or to any Proceedings connected therewith, and not hereby otherwise provided for, shall, to such Amount as the Treasury, by Order, think proper to direct, become a Charge upon the General District Rates levied in such District under the Authority of this Act, and be repaid to the Treasury by annual Instalments not exceeding Five, together with Interest after the yearly Rate of Five Pounds in the Hundred, to be computed from the Date of any such last-mentioned Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as may from Time to Time remain unpaid.

Application

Application of Act by Parliament.

XLVIII. Under the following Circumstances; (that is to say,)

Power of General Board to send Inspector to a Place.

Where it appears from the Returns made by the Registrar General of Births, Marriages, and Deaths, or is certified under his Hand, that the Number of Deaths annually in any Place to which the Public Health Act, 1848, has not been applied, calculated on an Average of the Seven Years immediately preceding, have exceeded Twenty-five to a Thousand of the Population of such Place;

The General Board of Health may, if they in their Discretion think fit, direct a Superintending Inspector to visit such Place, for the Purpose of making public Inquiry and examining Witnesses as to the following Matters and Things, or any of them; (that is to say,)

As to the Sewerage, Drainage, and Supply of Water:

As to the Number and sanitary Condition of the Inhabitants:

As to any Public or Private Local Acts of Parliament in force within such Place:

As to the existing municipal, parochial, or other local Boundaries, if any, and the Boundaries which may be most advantageously adopted for the Purposes of this Act:

As to any other Matter of which the General Board may require to be informed in reference to the Application of this Act:

The Registrar General may, for the Purpose of enabling him to give such Certificate as aforesaid, require any Local Registrar of Births, Deaths, and Marriages to furnish such Information as he thinks necessary, and if any Local Registrar make default in complying with such Requisition of the Registrar General he shall for each Offence incur a Penalty not exceeding Five Pounds.

XLIX. Before commencing such Inquiry, the Inspector shall give not less than Seven Days Notice of his Intention to make the same, and of a Time and Place at which he will be prepared to hear all Persons desirous of being heard before him upon the Subject of such Inquiry, in manner following; (that is to say,)

Inspector to give Notice of such Inquiry by Advertisement, &c.

By Advertisement in some One or more of the public Newspapers published in the County in which the Place to which such Inquiry relates is situate:

By causing such Notice to be affixed to the principal Doors of every Church and Chapel within the Place to which Notices are usually affixed:

And as soon as possible after the Completion of such Inquiry he shall report in Writing to the General Board, in such Manner as they may direct, upon the several Matters with respect to which he has been directed to inquire as aforesaid; and the General Board shall publish such Report.

Application of Act by General Board.

L. Upon the Receipt of such Report the General Board may if they think it expedient, by Provisional Order under their Seal, to be confirmed by Act of Parliament as herein-after mentioned, proceed to do the following Things:

(1.) To apply this Act or any Part thereof to such Place or to any Part thereof, or to attach such Place to any adjoining District, constituted under this Act, or under the Public Health Act, 1848, with the Consent of the Local Board of Health of such District:

(2.) To consolidate and extend and provide for the future Execution of any Public Local Acts that may upon the Institution of any such Inquiry as aforesaid be found to be already in force within any such Place, and to vary or repeal any Enactments therein contained, so far as may be necessary for reconciling the same with this Act:

It shall be the Duty of the General Board, as soon as conveniently may be, to take all necessary Steps for the Confirmation of such Provisional Order by Act of Parliament, and when so confirmed it shall be deemed to be a Public General Act of Parliament, and to take effect accordingly; but previously to such Confirmation it shall not be of any Validity whatever, and the Date of the passing of any such Act of Parliament shall be deemed to be the Date of the Constitution of the District.

Costs of preliminary Inquiry, &c., with Consent of Treasury, to become a Charge upon the General District Rates. 11 & 12 Vict. c. 63. s. 11.

LI. After the passing of any Act of Parliament confirming any Provisional Order by which this Act is applied to any District, the Costs, Charges, and Expenses incurred by or under the Direction of the said General Board in relation to any such Application as aforesaid shall, to such Amount as the Treasury think proper to direct, become a Charge upon the General District Rates levied in such District under the Authority of this Act, and be repaid to the Treasury by annual Instalments not exceeding Five, together with Interest after the yearly Rate of Five Pounds in the Hundred, to be computed from the Date of any such last-mentioned Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as may from Time to Time remain unpaid.

PART III.

Constitution, Proceedings, and General Powers of Local Boards of Health.

Constitution of Local Boards.

Local Boards of Health how constituted.

LII. Upon the Constitution of any District, the Duty of carrying into execution this Act, or such Provisions thereof as may be in force within

within such District, shall be vested in the Local Board of Health herein-after called The Local Board; and such Local Board shall be constituted as follows; (that is to say,)

(1.) In Boroughs, the Mayor, Aldermen, and Burgesses acting by the Council shall be the Local Board:

(2.) In Districts, within which the Public Health Act, 1848, is in force, the existing Local Board of Health shall be the Local Board, and shall continue to be constituted and elected as heretofore:

(3.) In Towns under the Jurisdiction of a Board of Improvement Commissioners, a Majority of whom are elected by the Ratepayers, such Improvement Commissioners shall be the Local Board, and shall continue to be constituted and elected as heretofore:

(4.) In other Places the Local Board shall consist of such Number of elective Members as may be determined by a Resolution of the Ratepayers, passed in manner in which Resolutions for the Adoption of this Act are herein-before directed to be passed, at any Meeting held for the Purpose of adopting this Act, or at any Meeting to be summoned by the Summoning Officer for that Purpose, subject to the Provision that such Number shall not be in any Case less than Nine or more than Eighteen; and that no Person shall be qualified to be a Member of such Local Board unless he is rated to the Relief of the Poor of such District, or of some Parish within the same, upon an annual Value of not less than Ten Pounds.

District may be divided into Wards.

LIII. The Ratepayers of any such Places as are lastly herein-before mentioned, assembled at any such Meeting as is referred to in the preceding Section, may, by Resolution passed in manner therein provided, but subject to the Approval of the General Board, divide their District into separate Wards, and declare what Proportion of the Members of the Local Board is to be elected by each Ward.

Election of Members of Local Boards.

LIV. In any District not consisting of a Borough, District to which the Public Health Act, 1848, has been applied, or Town under the Jurisdiction of such Improvement Commissioners as aforesaid, the following Rules shall be observed with respect to the Election of the Local Board of such District; that is to say,

(1.) The Summoning Officer shall be the Returning Officer of the First Election of a Local Board, and at all subsequent Elections of such Board the Chairman of the Local Board for the Time being shall be such Returning Officer:

(2.) In case of there being no such Returning Officer, or of the Death, Inability, or Refusal to act of any Returning Officer of any such First Meeting as aforesaid, the General Board may, upon the Application of any Five Ratepayers of the District, and on due Proof made to them of the Facts, appoint any other Person to conduct such First Election; and in case of the Death, Inability, or Refusal to act of any Chairman for the Time being of the Local Board, the Local Board of Health shall appoint some other Member of their Board to conduct in his Stead any subsequent Election:

(3.) The First Nomination of Members of the Local Board shall take place on such Day after the Date of the Constitution of the District as the Returning Officer may appoint:

(4.) All Nominations of Members of Local Boards subsequent to the First Nomination shall take place on the Day previous to the Day herein-after appointed for the Retirement of Members of Local Boards:

(5.) On every Occasion of the Nomination of Members of Local Boards, the Returning Officer shall convene a Meeting of the Ratepayers for the Purpose of such Nomination, and shall give Notice of such Meeting,

(*a*) By Advertisement in some One or more of the Newspapers published in the County in which the District is situate:

(*b*) By causing a Copy of such Notice to be affixed to the principal Doors of every Church and Chapel to which Notices are usually affixed within the District:

(6.) The Returning Officer shall preside and regulate the Proceedings at such Meeting:

(7.) At any such Meeting as aforesaid any qualified Person may, if he consents thereto, be nominated by any Ratepayer, and seconded by any other Ratepayer, as a Member of the Local Board of Health:

(8.) If more qualified Candidates are proposed than the Number to be elected, a Poll may be demanded, and shall be taken in manner herein-after mentioned; but if not, or if no Poll is demanded, a Declaration by the Chairman that the Candidates are elected Members of the Local Board of Health shall, in the Absence of Proof to the contrary, be sufficient Evidence of the Fact:

(9.) A Poll for the Election of Members of Local Boards shall be conducted in manner herein-before provided in the Case of

of a Poll in respect of the Adoption of this Act, and all Provisions herein-before contained in relation to such last-mentioned Poll shall, as nearly as Circumstances permit, be applicable to any Poll taken in pursuance of this Section, with these Qualifications, that the Voting Papers shall specify the Names and Addresses of the Candidates nominated, and shall be in the Form marked B. in the Schedule hereto, or in such other Form as may be approved by the General Board; that the Returning Officer shall be considered as substituted for the Summoning Officer; that the Voting Papers and all other Documents relating to the taking of the Poll shall be open to Inspection at the Office of the Local Board of Health, and that all Expenses incurred in taking such Poll shall in all Cases be payable out of the General District Rates herein-after mentioned:

(10.) The Elective Members of any Local Board shall, as soon as conveniently may be after their First Election, be divided by Ballot into Three Classes, each Class to be as nearly as may be equal in Numbers; and the Offices of the First Class shall be vacated on the Day after the Expiration of the First Year from the Date of their Election, the Offices of the Second Class shall be vacated on the Day after the Expiration of the Second Year from such Date as aforesaid, and the Offices of the Third Class shall be vacated on the Day after the Expiration of the Third Year from such Date as aforesaid; all Members chosen to fill the vacated Offices shall hold their Offices for the Term of Three Years, and no longer; and in every Instance the Offices of retiring Members shall be supplied by an equal Number of newly elected Members:

(11.) If from any Cause no Nomination is made on the appointed Day, the Meeting shall stand adjourned until the same Day of the following Week, and so from Time to Time until an Election is made:

(12.) A Member of a Local Board of Health may resign, on giving to the Board One Month's previous Notice in Writing of his Intention so to do:

(13.) Any casual Vacancy occurring by Death, Resignation, Disqualification, or otherwise in the Local Board may be filled up by the Local Board out of qualified Persons, but the Member so chosen shall retain his Office so long only as the vacating Member would have retained the same if no Vacancy had occurred:

(14.) Any Person on ceasing to be a Member shall be re-eligible:

Local Boards in Districts to which Act has been applied.

LV. In Districts to which this Act or any of the Provisions thereof may be applied by Act of Parliament, the Constitution of the Local Board shall be such as may be determined by the Act applying the same.

Proceedings of Local Boards—Boroughs.

Proceedings of Local Boards where District is a Borough.

LVI. In any District being a Borough, the following Things shall be done:

(1.) The Council acting as the Local Board shall, unless otherwise authorized or required by Act of Parliament, use the Common Seal of the Borough in all Cases where a Local Board is by this Act authorized or required to use a Common Seal:

(2.) The Council acting as the Local Board shall exercise all the Powers, Authorities, and Duties of such Local Board, shall hold Meetings, appoint Committees, and conduct all their Proceedings according to the Laws for the Time being in force with respect to Municipal Corporations in England and Wales.

District becoming a Borough. 11 & 12 Vict. c. 63. s. 33.

LVII. If any District is afterwards incorporated as a Borough, or wholly comprised within the Limits of a Borough, all Powers, Rights, and Obligations hereby vested in or imposed on the Local Board shall thereupon be transferred to the Council of such Borough, and shall be exercised in the same Manner as if such District had originally been a Borough by which or to which such Adoption or Application had been made.

Local Boards—Districts not being Boroughs.

Proceedings of Local Boards where District is not a Borough. 11 & 12 Vict. c. 63. ss. 34, 35.

LVIII. In any District not being a Borough, the following Rules shall be observed with respect to the Local Board of such District:

(1.) The Body herein-before constituted the Local Board shall for the Purposes of this Act be deemed to be a Body Corporate by the Name of the Board of Health, with perpetual Succession and a Common Seal, having a Capacity to accept Grants of and to purchase and hold Lands subject to the Provisions of this Act:

(2.) During any Vacancy in the Local Board the continuing Members, if not less than Three in Number, may act as if no Vacancy had occurred:

(3.) The Local Board shall meet together for the Despatch of Business, and shall from Time to Time make such Regulations with respect to the Summoning, Notice, Place, Management, and Adjournment of such Meetings, and generally with respect

respect to the Transaction and Management of Business, as they think fit, subject to the following Conditions:

(1.) A Meeting shall be held once at least in every Month, but it shall not be lawful to hold the same at any Inn or other Place where spirituous Liquors are sold:

(2.) No Business shall be transacted at any Meeting unless at least Three Members are present at the Commencement and Close of such Business:

(3.) All Questions shall be decided by a Majority of Votes:

(4.) The Names of the Members present, as well as of those voting upon each Question, shall be recorded:

(5.) In the Case of Districts not consisting of Districts constituted under the Public Health Act, 1848, or of Towns under the Jurisdiction of such Improvement Commissioners as aforesaid, the First Meeting shall be held on such Day, not more than Ten Days after the Election of the Local Board, and at such Place as the Returning Officer may, by Notice sent by Post or delivered to each Member of such Board by him, appoint:

(4.) The Local Board shall in every Year appoint One of their Number to be Chairman for the Year following such Choice, and shall also, if they think fit, choose another of their Number to act as Deputy Chairman for the same Period; and in case of an Equality of Votes at any Meeting the Chairman for the Time being, or in his Absence the Deputy Chairman, shall have a Second or Casting Vote:

(5.) If the Chairman or Deputy Chairman dies or resigns, or ceases to be a Member of the Local Board, or otherwise becomes disqualified to act, the Members present at the Meeting next after the Occurrence of such Vacancy shall choose some other of their Number to fill such Vacancy; and every such Chairman or Deputy Chairman so elected as last aforesaid shall continue in Office so long only as the Person in whose Place he may be so elected would have been entitled to continue if such Death, Resignation, Removal, or Disqualification, had not happened:

(6.) If at any Meeting neither the Chairman nor Deputy Chairman is present at the Time appointed for holding the same, the Members present shall choose some One of their Number to be Chairman of such Meeting:

(7.) A Local Board may appoint One or more Committees, consisting of such Number of Members as they think fit, and they may grant to such Committees respectively Power on

behalf of the Local Board to do any Acts which the Local Board could lawfully do, and which they may from Time to Time think proper to intrust to them:

(8.) A Committee at their First Meeting after their Appointment shall appoint One of their Number to be Chairman during their Continuance, and in the event of any Vacancy occurring in the Office of Chairman shall fill up the same by electing some other Member of such Committee:

(9.) If at any Meeting of the Committee the Chairman is not present at the Time appointed for holding the same, the Members present shall choose One of their Number to be Chairman of such Meeting:

(10.) The said Committee may meet from Time to Time, and may adjourn from Place to Place, as they think proper, for carrying into effect the Purposes of their Appointment; but no such Committee shall exercise the Powers intrusted to them except at a Meeting at which there is present a Quorum to be fixed for that Purpose by the Local Board; and all Questions at any Meeting of the Committee shall be determined by a Majority of Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a Second or Casting Vote:

(11.) The Local Board shall, except in Cases where such Board is already provided therewith, provide a Common Seal, and in all Cases the Custody of such Seal, and the Power to use the same on behalf of the Local Board, shall be vested in such Person or Persons as the Local Board may from Time to Time appoint:

(12.) The Local Board shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by them, and of the Orders and Proceedings of all their Meetings, and of the Meetings of Committees of the Local Board, to be duly entered in Books to be from Time to Time provided for the Purpose, and be kept under the Superintendence of the Local Board; and every such Entry shall be signed by the Chairman of such Meeting or Committee; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened or held, or of the Persons making or entering such Orders or Proceedings being Members of the Local Board or Committee respectively, or of the Signature of the Chairman, or of the Fact of his having been Chairman, and all such last-mentioned Matters shall be presumed until the contrary is proved:

(13.) All

(13.) All Acts done by any Meeting of the Local Board or of any such Committee as aforesaid, or by any Person acting as a Member of a Local Board, shall, notwithstanding it may be afterwards discovered that there was some Defect in the Appointment of any such Local Board or Persons acting as aforesaid, or that they or any of them were or was disqualified, be as valid as if every such Person had been duly appointed and was qualified to be a Member.

Penalty on summoning Officer or Chairman.

LIX. If any Summoning Officer or Returning Officer wilfully makes default in performing any Duties hereby imposed on him, the Offender shall, for each Offence, incur a Penalty not exceeding Fifty Pounds, but no Default or Neglect in the Distribution or Collection of any Voting Papers, or in the Publication of the Result of any Poll, shall invalidate any Poll taken in pursuance of this Act.

Contracts by Committee or Local Board, how to be entered into.

LX. The Power which may be granted to any Committee appointed by the Local Board to make Contracts, as well as the Power of the Local Board to make Contracts, may lawfully be exercised as follows; (that is to say,)

With respect to any Contract which, if made between private Persons, would be by Law required to be in Writing and under Seal, such Committee or the Local Board may make such Contract in Writing and under their Common Seal, and in the same Manner may vary or discharge the same:

With respect to any Contract which, if made between private Persons, would be by Law required to be in Writing and signed by the Parties to be charged therewith, then such Committee or the Local Board may make such Contract in Writing signed by such Committee or any Two of them, or any Two of the Local Board, and in the same Manner may vary or discharge the same:

With respect to any Contract which, if made between private Persons, would by Law be valid although made by Parol only, and not reduced into Writing, such Committee or the Local Board may make such Contract by Parol only, without Writing, and in the same Manner may vary or discharge the same:

And all Contracts made according to the Provisions herein contained shall be effectual in Law, and shall be binding upon the Local Board and their Successors, and all other Parties thereto, their Heirs, Executors, or Administrators, as the Case may be.

General Disqualification of Members of Local Boards.

LXI. In any District whatever if a Member of the Local Board,

(1.) Holds any Office or Place of Profit under the Local Board of which he is a Member; or

(2.) Participates

(2.) Participates in the Profits of any Work done by the Order of the Local Board; or

(3.) Is concerned in or participates in the Profits of any Contract entered into by the Local Board,

Such Person shall cease to be a Member of the Local Board, and his Office shall thereupon become vacant, subject to the Exceptions following; (that is to say,)

(1.) No Member of a Local Board shall vacate his Office by reason of his being a Shareholder in any Company supplying Water or Gas by Order of the Local Board:

(2.) No Member of a Local Board shall vacate his Office by reason of his being interested in any Sale or Lease of any Lands, or any Loan of Money, to the Local Board:

Nevertheless, no Member of a Local Board shall, except with the Sanction of the General Board who shall have Power to dispense with the ensuing Prohibition, be entitled to vote in respect of any Supply of Water or Gas by any Company in which he is a Shareholder, or in respect of any Question connected therewith, or in respect of any such Sale, Lease, or Loan, as lastly herein-before mentioned, and if he does so vote, his Vote shall not be counted, and he shall incur a Penalty not exceeding Twenty Pounds.

Disqualification of Members of Local Boards in Districts not being Boroughs or certain Towns.

LXII. In any District not consisting of a Borough or Town under the Jurisdiction of such Improvement Commissioners as aforesaid,

If a Member of the Local Board does any of the following Things:

(1.) Absents himself during Three successive Months from all Meetings of the Board, except from Illness or other Cause, to be approved by the Board; or

(2.) Is adjudged bankrupt, or applies to take the Benefit of any Act for the Relief or Protection of Insolvent Debtors, or compounds with his Creditors:

Such Person shall cease to be a Member of the Local Board, and his Office shall thereupon be vacant.

Clause L. Penalty on disqualified Member of Local Board acting.

LXIII. Any Person who acts as Member of the Local Board without being duly qualified, or after he has become disqualified, shall incur a Penalty not exceeding Fifty Pounds; and in any Proceeding for the Recovery of such Penalty the Burden of proving Qualification shall be upon the Person against whom such Proceeding is taken; nevertheless all Acts and Proceedings of any Person who so acted illegally as aforesaid, if done previously to the Recovery of such Penalty as aforesaid, shall be valid to all Intents.

General Powers of Local Boards.

Clause M. Union of adjoining Districts.

LXIV. Adjoining Districts may unite together upon such Terms and subject to such Conditions as the respective Local Boards of

of such Districts may, with the Sanction of the General Board, determine.

CLAUSE N. Petition for Incorporation of Part of an adjoining Place, or for Repeal of Local Acts.

LXV. Whenever it appears to the Local Board of any District that with a view to the more effectually carrying into execution the Purposes of this Act it will be desirable that both or One of the following Things should be done, that is to say,

(1.) That any Portion of any adjoining Place should be incorporated into and form Part of such District;

(2.) That any Public Local Acts in force within such District, and inconsistent with or interfering with the Purposes of this Act, should be repealed or altered;

they may present a Petition to the General Board, praying for such Incorporation, Repeal, and Alteration as aforesaid, or for any of such Things, and such Petition shall be supported by such Evidence as the General Board requires.

Power of General Board on Receipt of Petition.

LXVI. Upon the Receipt of any such Petition the General Board shall take the same into consideration, and they may either dismiss such Petition, or they may, if they think fit, send an Inspector to the proposed District for the Purpose of making Inquiry in respect of the several Matters mentioned in the Petition.

Inspector to give Notice of Inquiry.

LXVII. Before commencing such Inquiry, the Inspector shall give such Notice as the General Board directs of his Intention to make the same, and of a Time and Place at which he will be prepared to hear all Persons desirous of being heard before him upon the Subject of such Inquiry.

CLAUSE O. General Board to prepare Order, and obtain Consent of District.

LXVIII. The General Board may, if they think fit, cause a Provisional Order to be prepared in relation to the several Things mentioned in the Petition, and either in accordance with the Prayer thereof, or with such Modifications as the General Board approves; and when such Order is prepared they shall direct an Inspector to proceed to the District, for the Purpose of obtaining the Consent to such Order of any Part of the Place to be incorporated, and also, if such Order is not in accordance with the Petition, the Consent of the petitioning District.

CLAUSE P. Consents how testified.

LXIX. The Consent of the Petitioning District to such Order shall be testified by a Resolution of the Local Board of such District, and the Consent of any Part of a Place by a Resolution passed by a Majority of the Ratepayers resident in any such Part, and assembled at a Meeting convened for the Purpose; and the Inspector shall, for the Purpose of obtaining such Consents, have Power to convene Meetings

of the Local Board of any District, or Meetings of the Ratepayers of any Part of a Place, and to do all such Matters and Things as may be expedient for that Purpose.

Provision as to Meetings of Part of a Place.

LXX. In the Case of a Meeting of the Ratepayers of any Part of a Place the Ratepayers present shall elect a Chairman; and a Declaration by the Chairman that the Opinion of the Meeting is in favour or against any Resolution, as the Case may be, shall, in the Absence of Proof to the contrary, be sufficient Evidence that the Resolution is passed. The Inspector shall have Power to attend any such Meeting.

General Board to obtain Confirmation of Order.

LXXI. Whenever such Consents as aforesaid have been given to any such Order as herein-before mentioned, it shall be the Duty of the General Board, as soon as conveniently may be, to take all necessary Steps for the Confirmation thereof by Act of Parliament, and when so confirmed it shall be deemed to be a Public General Act of Parliament, and to take effect accordingly; but previously to such Confirmation it shall not be of any Validity whatever.

As to Powers given by Statute to former Local Boards.

LXXII. Every Local Board constituted under this Act may exercise all such Powers and Privileges, and shall be subject to all such Obligations, as are exerciseable by or imposed on Local Boards of Health, constituted under the Public Health Act, 1848, by any General Act other than such last-mentioned Act.

Power of Local Board to execute Works in adjoining Place.

LXXIII. Every Local Board may, with the Consent of any adjoining Place, do and execute in such adjoining Place, or in any Part thereof, all or any of such Works or Things as such Local Board may do and execute within their own District, and upon such Terms as to Payment or otherwise as may be agreed upon between such Local Board and such Place, and any Sums agreed to be paid by such Place in pursuance of this Section shall be a Charge upon and payable out of the Poor Rates of such Place, and shall be raiseable accordingly as if the same were Expenses legally incurred in the Relief of the Poor of such Place; and the Consent or Agreement of any Place to any Work or Thing shall be signified in the same Manner as the Consent of such Place to the Adoption of this Act is herein-before required to be signified.

PART IV.

Special Powers of Local Boards of Health.

1. *Officers.*

Appointment of Officers. 11 & 12 Vict. c. 63. s. 37.

LXXIV. The Local Board shall have Power to do the following Things:

(1.) To appoint a fit and proper Person to be and to be called the Officer of Health:

(2.) To

(2.) To appoint fit and proper Persons to be Surveyor, Inspector of Nuisances, Clerk, and Treasurer, for the Purposes of this Act, together with such Collectors and other Officers and Servants as may be necessary for the efficient Execution of this Act:

(3.) To make Regulations for ordering the Duties and Conduct of the several Officers and Servants so appointed or employed:

(4.) To pay, out of the General District Rates to be levied under this Act, to such Officer of Health and other Officers and Servants, such reasonable Salaries, Wages, or Allowances as the said Local Board think proper:

(5.) To remove, at their Pleasure, the Officer of Health and every other Officer and Servant so appointed:

Subject nevertheless to the following Regulations:

(1.) That the same Person may be Officer of Health for Two or more Districts:

(2.) That the same Person may be both Surveyor and Inspector of Nuisances:

(3.) That neither the Person holding the Office of Treasurer nor his Partner, nor any Person in the Service or Employ of them, or either of them, shall hold, be eligible to, or shall in any Manner assist or officiate in the Office of Clerk:

(4.) That neither the Person holding the Office of Clerk nor his Partner, nor any Person in the Service or Employ of them or either of them, shall hold, be eligible to, or shall in any Manner assist or officiate in the Office of Treasurer:

And if any Person hereby prohibited holds or in any Manner assists or officiates in the Office of Clerk or Treasurer he shall incur a Penalty not exceeding One hundred Pounds.

Penalty upon Officers, &c. interested in Contracts or taking Fees improperly. 11 & 12 Vict. c. 63. s. 38.

LXXV. No Officer or Servant employed by any Local Board shall in anywise be concerned or interested in any Bargain or Contract made with such Board for the Purposes of this Act; and if any such Officer or Servant is so concerned or interested, or, under colour of his Office or Employment, exacts, takes, or accepts any Fee or Reward whatsoever, other than his proper Salary, Wages, and Allowances, he shall be incapable of afterwards holding or continuing in any Office or Employment under this Act, and shall for each Offence incur a Penalty not exceeding Fifty Pounds.

Incorporation of Sections of Commissioners Clauses Act.

LXXVI. The Provisions of "The Commissioners Clauses Act, 1847," with respect to the Accountability of Officers, contained in the Sections numbered from 67 to 74, both inclusive, shall be incorporated with and form Part of this Act, and shall apply to Officers appointed by any Local Board.

Local Boards to provide Offices. 11 & 12 Vict. c. 63. s. 35.

LXXVII. The Local Board shall from Time to Time provide and maintain such Offices as may be necessary for transacting their Business under this Act.

Sewerage.

Sewers, &c. vested in Local Board. 11 & 12 Vict. c. 63. s. 43.

LXXVIII. All existing and future Sewers within their District, together with all Buildings, Works, Materials, and Things belonging or appertaining thereto,

(1.) Except Sewers made by any Person for his own Profit or Use, or by any Company for the Profit of the Shareholders; and

(2.) Except Sewers made and used for the Purpose of draining, irrigating, or otherwise improving Land under any Local or Private Act of Parliament; and

(3.) Except Sewers under the Authority of any Commissioners of Sewers appointed by the Crown,

Shall vest in and be under the Control of the Local Board.

Powers of Local Board as to Sewerage within District. 11 & 12 Vict. c. 63. ss. 45, 46.

LXXIX. The Local Board shall cause their District to be effectually drained, and for the Purpose of such Drainage they shall have Power within such District from Time to Time, to do any of the following Things; that is to say,

(1.) To repair, arch over, enlarge, lessen, or otherwise alter any existing Sewer or Drain:

(2.) To construct any new Sewer or Drain, with a like Power of repairing and altering the same:

(3.) To discontinue, close up, or destroy any Sewer or Drain:

(4.) To carry any Sewer, Drain, or Pipe for the Distribution of Sewage through, across, or under any Turnpike or other Road, or County Bridge, or any Street or Place laid out as or intended for a Street, or under any Cellar or Vault which may be under the Pavement or Carriageway of any Street or intended Street, upon condition of making good all Damage done by them; or if it is deemed necessary by the Surveyor of the Local Board into, under, or through any Lands whatever, upon making due Compensation for the same:

Subject nevertheless, in the Exercise of such Powers, to the Restrictions herein-after mentioned; that is to say,

(1.) All Sewers and Drains shall be so constructed and kept as not to create a Nuisance or be injurious to Health:

(2.) If by the Exercise of any of the above Powers any Person is deprived of the lawful Use of any Sewer or Drain, the Local Board shall provide for his Use some other Sewer or Drain equally convenient.

LXXX. Every

Powers of Local Board both in and out of District.

LXXX. Every Local Board shall have Power, upon making due Compensation, to do the following Things, either within or without their District; that is to say,

(1.) To construct, either above or under Ground, such Reservoirs and other Works as may be necessary for holding the Sewage flowing from the Sewers of their District, or to provide Outfalls for the same:

(2.) To cause the Sewers of their District to empty into such Reservoirs or Outfalls by means of connecting Sewers or such other Means as they think fit:

(3.) To contract with any Company or Person for the Sale of such Sewage, or for the Distribution of it over any Land; and any Company or Person with whom the Local Board may so contract shall have Power within such Limits, either in or out of the District, as may be approved by the General Board, to carry any Pipe for the Distribution of Sewage through, across, or under any public Street or Turnpike or other Road or County Bridge upon condition of making good all Damage done by them:

(4.) To contract for, purchase, or take on Lease any Buildings, Engines, Materials, or Apparatus for the Purpose of receiving, storing, disinfecting, or distributing any such Sewage, and to lease or assign such Buildings, Engine, Materials, or Apparatus to any Company or Person with whom the said Local Board may so contract as aforesaid:

(5.) To purchase or take on Lease any Land where such Purchase or leasing is necessary for carrying into execution the above Objects; but nothing herein contained shall prejudice the Right herein-before given to Local Boards with respect to the Power of making and carrying Sewers, Drains, and Pipes for the Distribution of Sewage within their District.

Penalty for making unauthorized Sewers and building under Streets. 11 & 12 Vict. c. 63. s. 47.

LXXXI. No Person shall, without the Consent of the Local Board, do the following Things, or any of them:

(1.) Cause any Sewer or Drain to communicate with or to be emptied into any Sewer of the Local Board:

(2.) Cause any Vault, Arch, or Cellar to be newly built or constructed under any Public Street:

And any Person offending against this Enactment shall incur a Penalty not exceeding Five Pounds, and a further Penalty of Forty Shillings for every Day during which the Offence is continued; and if any Sewer, Drain, Vault, Arch, or Cellar is made in contravention of this Enactment the Local Board may cause the same to be pulled down, or otherwise dealt with as they think fit, and the Expenses incurred by them in so doing shall be repaid to them by the Offender, and be recoverable from him in a summary Manner.

Use of Sewers by Persons beyond the District. 11 & 12 Vict. c. 63. s. 48.

LXXXII. Any Owner or Occupier of Premises adjoining any District may, with the Consent of the Local Board, cause any Sewer or Drain from such Premises to communicate with any Sewer of the Local Board, upon such Conditions as may be agreed upon between such Owner and Occupier and such Local Board, and in case of Dispute as to the Conditions, such Disputes shall be settled by Arbitration in the Manner provided by this Act.

Regulations as to Drains of existing Houses.

LXXXIII. Whenever it appears to the Local Board that any House or other Building, built before the Date of the Constitution of the District, is without any Drain, or without such Drain and emptying into such Place as is sufficient for effectual Drainage, the Local Board may by Notice require the Owner of such House or Building, within a reasonable Time therein specified, to make a sufficient Drain of a Construction approved by the Local Board, emptying as follows; that is to say, if the Sea or a Sewer of the Local Board, or any Sewer which they are entitled to use, is within One hundred Feet of the Site of such House or Building, emptying, as the Local Board may direct, either into the Sea or such Sewer; but if no such Means of Drainage are within that Distance, then emptying into such covered Cesspool or other Place, not being under any House, and not being within such Distance from any House, as the Local Board directs; and if the Person on whom such Notice is served fails to comply with the same, the Local Board may themselves do the Work required, and the Expenses incurred by them in so doing may be recovered from such Owner in a summary Manner, or may, by Order of the Local Board, be declared to be private Expenses, and be dealt with accordingly.

Regulations as to Drains of new Houses. 11 & 12 Vict. c. 63. s. 49.

LXXXIV. The following Rules shall be observed with respect to Drains of Houses and Buildings built after the Date of the Constitution of the District:

(1.) The Drains of every such new House or Building as aforesaid shall be covered in, and be of such Size and Materials, at such Level, and with such Fall, as may be effectual, in the Opinion of the Surveyor of the Local Board, to secure a proper Drainage of such House or Building and its Appurtenances:

(2.) If the Sea, or a Sewer of the Local Board, or a Sewer which they are entitled to use, is within One hundred Feet of any Part of the Site of such new House or Building, the Drains so to be constructed shall communicate with such One of those Means of Drainage as the Local Board directs:

(3.) If no such Means of Drainage are within that Distance, then the last-mentioned Drains shall communicate with and be emptied into such covered Cesspool or other Place, not being under

under any House, and not being within such Distance from any House, as the said Local Board directs:

(4.) Whenever any House or Building built before the Date of the Constitution of the District, is pulled down to or below the Ground Floor, the Drains of such House or Building shall be subject to the Regulations of this Section in the same Manner as if it were a House or Building built after the Date of the Constitution of the District.

Penalty on Noncompliance with the foregoing Rules. 11 & 12 Vict. c. 63. s. 49.

LXXXV. If any House or Building is built or rebuilt, or any Drain constructed, contrary to the foregoing Enactment, the Owner of the House or Building so built or rebuilt or to which such Drain belongs shall be subject to the following Liabilities; that is to say,

(1.) He shall incur a Penalty for each Offence not exceeding Fifty Pounds:

(2.) The Local Board may by Notice require such Owner, within a reasonable Time therein specified, to bring such House, Building, or Drain into conformity with the above Regulations, and if he fails to comply with such Notice may themselves do the Work required, and the Expenses incurred by them in so doing may be recovered from such Owner in a summary Manner, or may, by Order of the Local Board, be declared to be private Expenses, and be dealt with accordingly.

Map exhibiting System of Sewerage. 11 & 12 Vict. c. 63. s. 41.

LXXXVI. The Local Board shall, unless already provided therewith, procure or cause to be made a Map, upon such Scale as may for the Time being be directed by any General Order of the General Board, exhibiting a System of Sewerage for effectually draining their District for the Purposes of this Act; and every such Map shall be kept at the Office of the Local Board, and shall at all reasonable Times be open to the Inspection of the Ratepayers of the District.

Cleansing.

Rules with respect to Scavenging.

LXXXVII. In every District the following Works shall be done with respect to Scavenging,

(1.) All Public Streets, together with the Foot Pavements thereof, shall be properly cleansed and watered; all Roads shall be properly cleansed, and the whole or any Part of such Roads may, in the Discretion of the Local Board, be watered:

(2.) All Dust, Ashes, and Rubbish shall be carried away from the Premises of the Inhabitants:

(3.) All Privies and Cesspools shall be from Time to Time emptied and cleansed:

And the Local Board may themselves undertake or contract with any Person to undertake the aforesaid Works or any of them.

Powers of Local Board in respect of Scavenging.

LXXXVIII. In the event of the Local Board themselves undertaking or contracting with any other Person to undertake the Works hereby required in relation to Scavenging, or any of them throughout the District, or any Part thereof, all Sewage, Soil, Dung, Filth, Ashes, Dust, and Rubbish collected in the Execution of such Works by the Local Board or by any Person authorized by them may be sold or otherwise disposed of in such Manner as the Local Board directs, and any Profits made by the Local Board in pursuance of this Section shall be carried to such District Fund Account as is herein-after mentioned.

Penalty on unauthorized Scavenging.

LXXXIX. In such Event as last aforesaid, if any Person, not being the Occupier of any House within the District, removes, or obstructs the Local Board, or any Person authorized by them, in removing, any Sewage, Soil, Dung, Filth, Ashes, Dust, or Rubbish hereby authorized to be removed by the Local Board, he shall for each Offence incur a Penalty not exceeding Five Pounds; and if any Person, being the Occupier of any House within the District, removes, or obstructs the Local Board or any Person authorized by them in removing, any such Substances as aforesaid, (except in Cases where such Substances are produced on his own Premises, and are removed for his own Use for Manure at such Times and in such Manner as may be approved by the Local Board, and are in the meantime kept in such a Manner as not to be a Nuisance to his Neighbours,) he shall for each Offence incur a Penalty not exceeding Five Pounds.

Power of Local Board to make Byelaws.

XC. In Cases where the Local Board do not themselves undertake or contract with any Person to undertake to do the following Works, or any of them, that is to say:

(1.) To cleanse the Footways and Pavements adjoining any Premises:

(2.) To carry away the Dust, Ashes, and Rubbish from any Premises:

(3.) To empty the Privies and Cesspools belonging to or used in connexion with any Premises:

They may make Byelaws imposing on the Occupier of any such Premises all or any of the Duties of cleansing any such Footways and Pavements, of carrying away such Dust, Ashes, and Rubbish, and of emptying any such Privies and Cesspools as are mentioned in this Section, at such Times and in such Manner as they may approve of, and they may annex reasonable Penalties for the Breach of such Byelaws. The Power of making Byelaws given by this Section may be exercised by the Local Board as to Part of a District, notwithstanding that such Board themselves undertake or contract with some other Person to undertake in other Parts of the District the Works mentioned in this Section, or any of them, and notwithstanding that the Local

Local Board themselves undertake or contract with some other Person to undertake a Portion of such Works throughout the whole District.

Local Board may make Byelaws as to Nuisances.

XCI. The Local Board may make Byelaws for the Prevention of Nuisances arising from Filth, Dust, Ashes, and Rubbish within their District, or from the keeping of Animals, and may annex reasonable Penalties for the Breach of such Byelaws.

Public Necessaries. 11 & 12 Vict. c. 63. s. 57.

XCII. The Local Board may, if they think fit, provide and maintain in proper and convenient Situations, Waterclosets, Privies, Urinals, and other similar Conveniences for public Accommodation.

Local Board may order Water-closets, &c. to be erected in Houses, whether built before or after the Constitution of the District.

XCIII. If at any Time it appears to the Local Board that any House is not provided with a sufficient Watercloset and an Ashpit, furnished with proper Doors and Coverings, the Local Board may by Notice require the Owner or Occupier of such House, within a reasonable Time, to be specified in such Notice, to provide a sufficient Watercloset or Privy and an Ashpit, so furnished as aforesaid, or either of them, as the Case may require; and if he fails to comply with such Notice, he shall incur a Penalty not exceeding Forty Shillings for every Day during which such Failure continues, and the Local Board may themselves do the Works required; and the Expenses incurred by them in so doing shall be recoverable from the Owner in a summary Manner, or may, by Order of the said Local Board, be declared to be private Expenses, and be recovered accordingly; but in Cases where a Watercloset or Privy has been and is used in common by the Inmates of Two or more Houses, and where, in the Opinion of the said Local Board, a Watercloset or Privy may be so conveniently used, they shall not require the same to be provided for each House.

Certain Waterclosets to be constructed in Factories, &c. 11 & 12 Vict. c. 63. s. 54.

XCIV. If at any Time it appears to the Local Board that any Place is used or intended to be used as a Factory or Building in which Persons are employed or intended to be employed in any Manufacture, Trade, or Business, the Local Board may, by Notice in Writing addressed to the Owner or Occupier of such Place, require them or either of them, within a Time to be specified in such Notice, to construct a sufficient Number of Waterclosets or Privies for the Use of such Persons, and if such Persons are of both Sexes and above Twenty in Number then they may by such Notice require the construction of separate Waterclosets or Privies for the Persons of each Sex; and any Person neglecting or refusing to comply with any such Notice shall incur for each Default a Penalty not exceeding Twenty Pounds, and a further Penalty not exceeding Forty Shillings for every Day during which the Default is continued.

Restriction on Establishment of offensive Trades. 11 & 12 Vict. c. 63. s. 64.

XCV. After the Date of the Constitution of any District, the Business of a Blood-boiler, Bone-boiler or Bone-burner, Fellmonger, Slaughterer of Animals of any Description, not intended for Human Food, Soap-boiler, Tallow-melter, Tripe-boiler, or other noxious or offensive Business, Trade, or Manufacture, shall not, without the Consent of the Local Board, be established within the District; and whosoever offends against this Enactment shall incur for each Offence a Penalty not exceeding Fifty Pounds, and a further Penalty not exceeding Forty Shillings for each Day during which the Offence is continued; and the said Local Board may from Time to Time make such Byelaws with respect to any such Businesses established with their Consent as they may think necessary and proper, in order to prevent or diminish the noxious or injurious Effects thereof, and may annex reasonable Penalties for the Breach of any such Byelaws.

Beds of running Streams to be kept clear.

XCVI. When the Contents of any Sewer, or any other Flow of Filth or Refuse, are or is discharged into any River or Stream in the Bed of which the Quantity of Water is so much diminished, either by Drought during the Summer, or by Part being taken off by any natural or artificial Cause, as to be insufficient to keep such Channel clean, it shall be lawful for the Local Board to make Alterations in the Bed of such River or Stream by cutting in such Bed a Channel into which the Sewer or Drain Water may be conducted, or by some similar Operations on the Bed of such River or Stream whereby the Flow of Water diminished as aforesaid in such River or Stream may be accelerated, and such Sewer and Drain Water prevented from spreading over the Surface of such Bed or from accumulating and stagnating in Parts thereof, to the Injury of Health and the Annoyance of the surrounding Population, subject nevertheless to this Restriction, that the Local Board shall not be entitled to diminish in any respect the Quantity of Water flowing in such River or Stream, or to injuriously affect the Rights of any Company or Individuals interested in such River or Stream, or entitled to the Use of the Water therein.

New Streets and Houses.

Power to make Byelaws with respect to new Houses.

XCVII. Every Local Board may make Byelaws with respect to the following Matters; (that is to say,)

(1.) With respect to the Level and Width of new Streets, and the Provisions for the Sewerage thereof:

(2.) With respect to the Structure of Walls of new Buildings in reference to Stability and the Prevention of Fires:

(3.) With respect to the Sufficiency of the Space in connexion with Buildings, to secure a free Circulation of Air, and the Ventilation of Buildings:

(4.) With

(4.) With reference to the Drainage of Buildings, to Waterclosets, Privies, and Cesspools, in connexion with Buildings, and to the closing and Prohibition of Buildings or Parts of Buildings unfit for Human Habitation:

They may annex continuing Penalties, not exceeding Forty Shillings a Day, during the Continuance of any Breach of such Byelaws; and they may further provide for the Observance of the same by enacting therein such Provisions as they think necessary as to the giving of Notices, as to Inspection by the Local Board, as to the Power of the Local Board to remove, alter, or pull down any Work begun or done in Contravention of such Byelaws, and as to the Recovery by the Local Board in a summary Manner of any Expenses incurred by them in enforcing such Byelaws, subject to the following Qualifications: Firstly, that no such Byelaw shall affect any Building erected before the Date of the Constitution of the District, unless such Building is pulled down to or below the Ground Floor, or is converted into a Dwelling House, not having been originally constructed for that Purpose; and secondly, that no Person shall be deprived by any Byelaw of such Right of Appeal as is herein-after given in respect of Byelaws.

Streets and Roads.

XCVIII. The following Provisions shall be enacted with respect to such Streets and Roads as are at the Date of the Constitution of the District or may thereafter become Highways repairable at the Public Expense; (that is to say,)

Provisions as to Streets and Roads being Highways. 11 & 12 Vict. c. 63. s 68.

(1.) The Management of all such Streets and Roads as aforesaid, together with all Buildings, Materials, Implements, and other Things provided for the Purposes thereof, shall vest in and belong to the Local Board:

(2.) The Local Board, and none other, shall be the Surveyors of Highways within the Limits of the District, and within those Limits shall have all such Powers and Authorities and be subject to all such Liabilities as any Surveyors of Highways are invested with or subject to by virtue of the Laws for the Time being in force, with this Exception, that the Local Board shall not have Power to levy any Highway Rate within the District, and that, save as herein-after mentioned, the Accounts of the Local Board in respect of such Streets and Roads as aforesaid shall be dealt with in the same Manner as the other Accounts of the Local Board, and not in manner directed by any Act relating to Highways:

(2.[a]) The Inhabitants of any District shall not, in respect of any Property situate therein, be liable to the Payment of any Highway Rate or other Payment not being a Toll in respect of making or repairing any Roads situate beyond the Limits of the District:

(3.) The several Persons who at the Date of the Constitution of the District are Surveyors of Highways within the District may recover any Highway Rate made in respect of the said District, and then remaining unpaid, in the same Manner as if this Act had not been passed; and the Money so recovered shall be applied, in the first place, in reimbursing themselves any Expenses incurred as such Surveyors, and in discharging any Debts legally owing by them on account of the Highways within their Jurisdiction, and the Surplus (if any) shall be paid by them to the Treasurer of the Local Board, and carried to the District Fund Account herein-after mentioned:

(4.) The Local Board shall make good and maintain in proper Repair all such Streets and Roads as aforesaid; they may pave and flag such Streets or any Part thereof; and they may also pave or make good, with such Materials as they think fit, any Footways for the Use of Passengers in any such Streets, and cause such Footways to be repaired from Time to Time:

(5.) The Local Board may from Time to Time cause the Soil of any such Street as aforesaid to be raised, lowered, or altered as they think fit:

(6.) The Local Board shall from Time to Time place such Fences and Posts on the Side of the Footways of such Streets and Roads as may be needed for the Protection of the Passengers on such Footways, and they may place Posts in the Carriageways of such Streets and Roads so as to make the crossing thereof less dangerous for Foot Passengers, and they shall from Time to Time repair any such Fences or Posts, or remove the same, or any Obstruction to any such Carriageway or Footway, as they think fit:

(7.) Nothing herein contained shall deprive any Company or Person of any Right they have possessed previously to the passing of this Act in respect of the laying down, repairing, or altering Pipes under Streets or Roads for the Distribution of Water or Gas:

(8.) The Act of the Thirteenth Year of the Reign of Her present Majesty, Chapter Thirty-five, intituled "An Act for "requiring Annual Returns of the Expenditure on Highways "in England and Wales to be transmitted to the Secretary of "State and afterwards laid before Parliament," shall apply to the Clerk of the Local Board of Health in like Manner as to the Clerk to any such Trustees or Commissioners as are in the said Act mentioned.

All Expenses incurred by the Local Board in respect of such Streets and Roads as aforesaid shall be paid out of the General District Rate herein-after mentioned.

Provisions as to Streets and Roads,

XCIX. The following Provisions shall be enacted with respect to Streets, whether formed before or after the Date of the Constitution of

of the District, that are not Highways repairable at the Public Expense; that is to say,

not being Highways. 11 & 12 Vict. c. 63. s. 69.

(1.) In case any such Street as aforesaid, or the Carriageway or Footpath thereof, or any Part thereof, is not sewered, levelled, paved, flagged, channelled, or made good to the Satisfaction of the Local Board, such Board may from Time to Time, by Notice in Writing to the respective Owners or Occupiers of the Premises fronting, adjoining, or abutting upon such Parts as may require to be sewered, levelled, paved, flagged, channelled, or made good, require them to sewer, level, pave, flag, channel, or make good the whole Breadth of such Street, or the Carriageway or Footpath thereof, or such Part thereof, within a Time to be specified in such Notice; and if such Notice is not complied with the said Local Board may, if they think fit, execute the Works mentioned or referred to therein, and the Expenses incurred by them in so doing shall be paid by the Owners in default, according to the Frontage of their respective Premises, or in such Proportion as may be settled by the Surveyor of the Local Board, or in case of Dispute by Arbitration in the Manner provided by this Act; and such Expenses may be recovered from the last-mentioned Owners in a summary Manner, or the same may be declared by Order of the said Local Board to be Private Expenses, and be recoverable accordingly:

(2.) In Cases where the Owners of the Premises fronting, adjoining, or abutting on any such Street or Parts of a Street as aforesaid are not entitled to a Right of Way in such Street, then, if any such Street, or the Carriageway or Footpath thereof, or any Part thereof, is not sewered, levelled, paved, flagged, channelled, or made good to the Satisfaction of the Local Board, such Board may from Time to Time, by Notice in Writing to the respective Owners of the Soil of such Street, require them to sewer, level, pave, flag, channel, or put in repair the whole Breadth of such Street, or the Carriageway or Footpath thereof, or such Part thereof, within a Time to be specified in such Notice; and if such Notice is not complied with the said Local Board may, if they think fit, execute the Works mentioned or referred to therein, and upon the Execution thereof, by Notice put up on any Part of such Street, declare the same to be a Highway repairable at the Public Expense, and such Street shall thenceforth be deemed to be a Highway repairable at the Public Expense:

(3.) The Local Board may, from Time to Time, by Notice in Writing, put up in any Part of any such Street as aforesaid, and to be entered amongst the Proceedings of the said Local Board, declare the whole Breadth of such Street, or the

Carriageway or Footpath thereof, or any Length of such Street, Carriageway or Footpath, to be a Highway repairable at the Public Expense, and after the Expiration of a Month from the Date of such Notice being so put up the same shall, subject to the Provision herein-after contained, become a Highway repairable at the Public Expense, and be from Time to Time repaired as such; provided that no such Notice shall be of any Force, nor shall such Street or Portion thereof, Carriageway or Footpath, become a Highway as last aforesaid, if within One Month after such Notice has been put up the Proprietor of such Street or Length thereof, Carriageway or Footpath, or the Person representing or entitled to represent such Proprietor, by Notice in Writing to the said Local Board objects thereto:

(4.) No Rector, Vicar, Curate, Incumbent, Minister, or Preacher of any Church, District Church, Chapel, or other Place which is or may be exclusively appropriated to Public Religious Worship, and which, being neither a Church, District Church, nor Episcopal Chapel of the Established Church, is or may be duly certified according to the Laws for the Time in force for the Performance of such Religious Worship, shall be deemed to be the Owner or Occupier of any such Church, Chapel, or other Place for the Purposes of this Section, or be liable in respect of such Church, Chapel, or other Place, or in respect of any Churchyard or Burial Ground attached thereto, to contribute to any Expenses payable under this Section, nor shall any such Expenses be deemed to be a Charge on such Church, Chapel, or other Place, or on such Churchyard or Burial Ground or to subject the same to Distress, Execution, or other legal Process; and the Local Board may, if they think fit, undertake any Works from the Expenses of which any Rector, Vicar, Curate, Incumbent, Minister, or Preacher is hereby exempted, and pay the Expenses thereof out of the General District Rates levied in pursuance of this Act:

(5.) Any such Church, Chapel, or other Place as aforesaid shall be deemed to be exclusively appropriated to public Religious Worship, notwithstanding the same or any Part thereof is used for Sunday or Infant School, or for the Charitable Education of the Poor.

Power of Local Board with respect to Turnpike Roads.

C. It shall be lawful for any Local Board, by Agreement with the Trustees of any Turnpike Road within the District, to take upon themselves the following Duties or any of them; that is to say, the Maintenance, Repair, Cleansing, and Watering of such Portion of the said Road as may be within the said District, or any Part of such Portion, on such Terms as the Local Board and the Trustees

may

may agree upon between themselves; and Notice of every such Agreement shall be published once at the least in some One Newspaper published in the County within which the District is situate for Two successive Weeks after such Agreement has been made, and shall be affixed to the principal Doors of every Church and Chapel within the District to which Notices are usually affixed; and any Person holding any Security for Money advanced to such Trustees, or to whom any Money may be due from such Trustees, if dissatisfied with such Agreement, may appeal against the same to the Court of Quarter Sessions, in the same Manner, and on the same Terms in respect of Notice, as in the Case of Appeals against Rates leviable under this Act; and the Determination of the said Court in respect of such Agreement shall be conclusive and binding on all Persons to all Intents and Purposes.

Local Board may determine whether a Place is a Street or Road.

CI. If any Question arises as to whether any Place is a public Street or a Road as respects the Powers herein-before given for cleansing the same, the Local Board may determine such Question, and their Determination shall be final.

Penalty on displacing Stones, &c.

CII. If any Person wilfully displaces, takes up, or injures the Pavement, Stones, Materials, Fences, or Posts of any public Street or Road, without the Consent of the Local Board, he shall incur for every such Offence a Penalty not exceeding Five Pounds, and a further Penalty not exceeding Five Shillings for every Square Foot of the Pavement, Stones, or other Materials so displaced, taken up, or injured.

Incorporation of Towns Improvement Clauses Act, 1847.

Incorporation of Provisions of the Towns Improvement Clauses Act, 1847.

CIII. The Provisions of "The Towns Improvement Clauses Act, 1847," with respect to the following Matters, that is to say,

(1.) With respect to naming the Streets and numbering the Houses;

(2.) With respect to improving the Line of the Streets and removing Obstructions;

(3.) With respect to ruinous or dangerous Buildings;

(4.) With respect to Precautions during the Construction and Repair of the Sewers, Streets, and Houses;

(5.) With respect to the Prevention of Smoke;

(6.) With respect to Clocks,

shall be incorporated with this Act, subject to this Qualification, that the above-mentioned Provisions with respect to the Prevention of Smoke shall not extend to any of the Processes following; that is to say, to the coking of Coal, the calcining of Ironstone or Limestone, the making or burning of Bricks, Earthenware, Quarries, Tiles, or Pipes, the raising of any Mines or Minerals, the smelting of Iron Ores, the refining, puddling, shingling, and rolling of Iron or other Metals, or to the

melting and casting of Iron into Castings; but nothing contained in this Section shall preclude any Business, Trade, or Manufacture from being deemed noxious or offensive within the meaning of this Act which might otherwise have been so deemed.

Rule as to Incorporation of Provisions in preceding Section.

CIV. The Provisions with respect to any One or more of the Matters mentioned in the last preceding Section may, notwithstanding the Rules herein-before given for the Adoption of this Act, be separately excluded from such Adoption, as if each such Provision were arranged under a separate Heading, and any Provision so excluded may, in the Resolution excluding the same, be described as the Provision with respect to such Matter contained in "The Towns Improvement Clauses Act, 1847," or in any other Manner sufficient to identify the same.

Supply of Water.

Clause 8. Provisions with respect to Supply of Water.

CV. The following Provisions shall be observed with respect to the Supply of Water to any District:

(1.) All public Wells, Pumps, Conduits, or other Works used for the gratuitous Supply of Water to the Inhabitants of the District shall vest in and be under the Control of the Local Board:

(2.) The Local Board shall continue, maintain, and supply with Water all such Works as aforesaid, or substitute other Works equally convenient, and supply the same with Water:

(3.) The Local Board may, for the gratuitous Use of the Inhabitants of the District, construct any Number of new Wells or Pumps, or purchase by Agreement the Surrender of any Lease of existing Wells, Pumps, or Works for supplying Water the Reversion of which is now vested in the Corporation of a Borough, or in any Local Board or Commissioners for public Purposes, but they shall not carry or supply Water to private Houses, nor for trading or manufacturing Purposes:

(4.) The Local Board may cause a Supply of Water to be furnished to any public Baths or Wash-houses:

(5.) The Local Board shall cause Water to be provided in sufficient Quantities for flushing the Sewers and Drains, for putting out Fires, for cleansing and watering the Streets, and for other public Purposes:

(6.) The Expense of providing a Supply of Water for the foregoing Purposes shall be paid out of the General District Rates herein-after mentioned:

(7.) For

(7.) For the above Purposes the Local Board may demand such Supply from any Company at present supplying Water within the District, and such Company or Person shall supply the same within their or his Limits of Supply as herein-after defined, at such Rates, in such Quantities, and upon such Terms and Conditions as may be agreed upon; or, in case of Disagreement, as may from Time to Time be settled by Two Justices, not being Members of the Local Board:

(8.) The Limits of Supply shall, in the Case of a Company or Person authorized by any Act of Parliament or Charter to supply Water, be deemed to be the Limits within which such Company or Person is empowered by such Act of Parliament or Charter to furnish such Supply, and which are not actually for the Time being supplied by any other Company or Person in pursuance of any Act of Parliament or Charter; and, in the Case of any other Company or Person, to be the Limits within which such Company or Person is at the Date of the passing of this Act actually supplying Water, and has from thenceforth, up to the Date of the Constitution of the District, continued to furnish such Supply:

(9.) If there is not within the District any Company or Person authorized to supply or actually supplying in manner aforesaid Water for public and private Purposes, the Local Board may contract with any Company or Person to supply Water throughout the whole of the District; and if there is within a Part of the District any Company or Person authorized to supply or actually supplying in manner aforesaid Water for public and private Purposes, but the Limits of Supply of such Company or Person do not coincide with the Boundaries of that District, then the Local Board may contract with any Company or Person to supply Water throughout any Part of the District not included within the Limits of Supply of such last-mentioned Company or Person:

(10.) Any Company or Person with whom the Local Board may contract for the Supply of Water for the above-mentioned Purposes may, within the Limits in respect of which such Contract is made, purchase any Land and do and construct and execute all such Works as may be necessary or proper for the Purpose of furnishing a Supply of Water for any of the Purposes herein-before mentioned, and may carry Pipes for the Distribution of Water through, across, or under any Turnpike Road or County Bridge, or any Street or Place laid out as or intended for a Street, or under any Cellar or Vault which may be under the Pavement or Carriageway of any Street, or in, through, or under any Lands whatever, making

making Compensation for any Damage done, the Amount thereof to be decided, in case of a Dispute, by Arbitration in the Manner provided by this Act; and any such Company or Person may within the Limits in respect of which such Contract is made furnish Water to any private House or for any trading or manufacturing Purpose.

Supply of Water compulsory when it can be furnished at 3*d.* per Week.

CVI. If it appears to the Local Board that any House is without a proper Supply of Water, and that such Supply can be provided by any Company or Person as aforesaid, at an Expense not exceeding Threepence a Week, the Local Board may serve a Notice on the Owner or Occupier of such House, requiring him to obtain such Supply within a Time to be specified in such Notice, and to do all such Works as may be necessary for that Purpose; and if such Owner or Occupier fail to comply with such Notice the Local Board may themselves do such Works, and all Expenses incurred by them in so doing shall be deemed to be private Expenses, and recoverable accordingly.

Clause T. Offences with respect to Water. 11 & 12 Vict. c. 63. ss. 79, 80.

CVII. The Offences herein-after mentioned shall be punished in manner following; that is to say,

First, as to injuring Waterworks:

(1.) If any Person wilfully or carelessly breaks, injures, or opens any Lock, Cock, Waste Pipe, or Waterworks belonging to or by means of which Water is supplied to or on account of any Local Board; or,

(2.) Unlawfully flushes, draws off, diverts, or takes Water from any Waterworks belonging to or by which Water is supplied to or on account of any Local Board, or from any Waters or Streams by which such Waterworks are supplied; or,

(3.) Wilfully or negligently wastes or causes to be wasted any Water with which he is supplied by or on account of the said Local Board,

he shall for every such Offence forfeit a Sum not exceeding Five Pounds, and a further Penalty of Twenty Shillings for each Day during which the Offence is committed after written Notice in that Behalf has been given to him:

Second,—As to fouling Water:

(1.) If any Person bathes in any Stream, Reservoir, Conduit, Aqueduct, or other Waterworks belonging to or by which Water is supplied to or on account of any Local Board:

(2.) Washes, cleanses, throws, or causes to enter in any such Stream, Reservoir, Conduit, or other Waterworks, any Animal, Rubbish, Filth, Stuff, or Thing of any kind whatsoever, or causes or permits or suffers to run or be brought therein

therein the Water of any Sink, Sewer, Drain, Engine, or Boiler, or other filthy, unwholesome, or improper Water:

(3.) Does anything whatsoever whereby any Water belonging to or supplied to or on account of any Local Board may be fouled,

he shall for every such Offence forfeit a Sum not exceeding Five Pounds, and a further Sum of Twenty Shillings for each Day during which the Offence is continued after written Notice in that Behalf has been given to him:

Third—As to fouling Water with Gas:

If any Person, being Proprietor of any Gasworks, or engaged in the Manufacture or Supply of Gas, causes or suffers to be brought or to flow into any Stream, Reservoir, Conduit, Aqueduct, or Waterworks belonging to or by which Water is supplied to or on account of any Local Board, or into any Drain or Pipe communicating therewith, any Washing or other Substance produced in the Manufacture or Supply of Gas, or wilfully does any Act connected with the Manufacture or Supply of Gas whereby the Water in any such Stream, Reservoir, Aqueduct, or Waterworks is fouled,

he shall for every such Offence incur a Penalty not exceeding Two hundred Pounds, and after Notice in Writing has been given to him by the Local Board, a further Sum of Twenty Pounds for every Day during which the Offence is continued, or during the Continuance of the Act whereby the Water is fouled; and every such Penalty shall be recoverable, with full Costs of Suit, by Action of Debt; and if any Water supplied by, belonging to, or by which Water is supplied to or on account of any Local Board is fouled in any Manner by the Gas of any such Proprietor or Person as last aforesaid, he shall for every such Offence incur a Penalty not exceeding Twenty Pounds, and a further Sum not exceeding Ten Pounds for every Day whilst the Offence is continued after Notice has been given to him by the Local Board; and for the Purpose of ascertaining whether such Water is fouled by the Gas of any such Proprietor or Person the Local Board may, upon giving Twenty-four Hours Notice of their Intention, lay open and examine any Pipes, Conduits, and Works from which the Gas is supposed to escape; and if upon such Examination it appears that the Water has been fouled by the Gas proceeding from or contained in the Pipes, Conduits, or Works examined, the Expenses of the Examination shall be paid and borne by the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, and be recoverable from him in the summary Manner herein-after provided; but if it appear that the Water has not been fouled, then such Expenses, and all Damages occasioned by the Examination, shall be paid by the

Local Board out of the General District Rates levied under this Act, and be recoverable from them in the summary Manner herein-after provided; but nothing contained in this Section shall prejudice the levying of any Penalties that may be leviable under any other Act of Parliament in respect of the same Matters and Things herein-before mentioned, so that such Penalties are not levied cumulatively.

Lighting.

Clause U. Regulations as to lighting.

CVIII. The following Regulations shall be observed with respect to lighting any District:

(1.) The Local Board may cause all Streets and public Buildings under their Control and within their District to be lighted with Gas:

(2.) The Expense of obtaining a Supply of Gas for the foregoing Purposes shall be paid out of the General District Rates herein-after mentioned:

(3.) The Local Board shall demand such Supply from any Company or Person supplying Gas within the District, and such Company or Person shall supply the same, within their or his Limits of Supply, at such Rates, in such Quantities, and upon such Terms and Conditions as may be agreed upon between the Local Board and such Company or Person, or, in the event of Disagreement, may be settled by Two Justices, not being Members of the Local Board:

(4.) The Limits of Supply shall in the Case of a Company or Person authorized by any Act of Parliament or Charter to supply Gas be deemed to be the Limits within which such Company or Person is empowered by such Act of Parliament or Charter to furnish such Supply, and which are not actually for the Time being supplied by any other Company or Person in pursuance of any Act of Parliament or Charter, and in the Case of any other Company or Person, to be the Limits within which such Company or Person is at the Date of the passing of this Act actually supplying Gas, and has from thenceforth up to the Date of the Constitution of the District continued to furnish such Supply:

(5.) If there is not within the District any Company or Person authorized to supply or actually supplying Gas for public and private Purposes, the Local Board may contract with any Company or Person to supply Gas throughout the whole of the District; but if there is within a Part of the District any Company or Person authorized to supply or actually supplying Gas for public and private Purposes, but the Limits of Supply of such Company or Person as herein-before

before defined do not coincide with the Boundaries of that District, then the Local Board may contract with any Company or Person to supply Gas for the foregoing Purposes throughout any Part of the District not included within the Limits of Supply of such last-mentioned Company or Person:

(6.) Any Company or Person with whom the Local Board may contract for the Supply of Gas for the above-mentioned Purposes may, within the Limits in respect of which such Contract is made, purchase any Land, and do and construct and execute all such Works as may be necessary or proper for the Purpose of furnishing a Supply of Gas for any of the Purposes herein mentioned, and may carry Pipes for the Distribution of Gas through, across, or under any Turnpike Road, or any Street or Place laid out as or intended for a Street, or under any Cellar or Vault which may be under the Pavement or Carriageway of any Street, or in, through, or under any Lands whatever, making Compensation for any Damage done, the Amount thereof to be decided in case of dispute by Arbitration in the Manner provided by this Act; and any such Company or Person may, within the Limits in respect of which such Contract is made, furnish Gas to any private House, or for any trading or manufacturing Purpose:

(7.) All Mains for the Distribution of Gas laid down after the passing of this Act by any such Company or Person as lastly herein-before mentioned shall be sunk not less than Eighteen Inches below the Surface of the Ground, and whenever the Supply of Gas is cut off from any House, the Main or Service Pipe shall be well and securely plugged, and any Company or Person making default in so sinking or plugging any such Main or Service Pipe, shall for each Offence, incur a Penalty not exceeding Five Pounds.

Slaughter-houses.

CIX. The following Rules shall be observed with respect to Slaughter-houses:

Rules as to Slaughter-houses. 11 & 12 Vict. c. 63. ss. 71, 72.

(1.) No Place shall be used or occupied as a Slaughter-house within the District which was not in such Use and Occupation at the Date of the Constitution of the District, and has so continued ever since, unless and until a Licence for the Erection thereof, or for the Use and Occupation thereof as a Slaughter-house, has been obtained from the Local Board; and every Person who, without having first obtained such Licence as aforesaid, uses as a Slaughter-house any Place within the District not used as such at the Date of the Constitution of the District, and so continued to be used

used ever since, shall for each Offence incur a Penalty not exceeding Five Pounds, and a like Penalty for every Day after the Conviction for such Offence upon which the said Offence is continued:

(2.) Every Place within the District which has previously to the Date of the Constitution thereof been used as a Slaughter-house shall, within Three Months after such last-mentioned Date, or (in the Case of a Place first used as a Slaughter-house after the Date of the Constitution of the District) previously to the Commencement of such Use, be registered by the Owner or Occupier thereof at the Office of the Local Board in a Book to be kept by them for that Purpose; and every Person who uses or suffers to be used any such Place as a Slaughter-house without its being registered, in compliance with this Section, shall incur a Penalty not exceeding Five Pounds for such Offence, and a Penalty not exceeding Ten Shillings for every Day after the First Day during which such Place is used as a Slaughter-house without having been so registered:

(3.) The Local Board may from Time to Time erect a Slaughter-house on any Land belonging to them, or set apart and improve any Buildings belonging to them for a Slaughter-house:

(4.) As soon as such Buildings are fit for public Use, the Local Board shall give public Notice thereof—

(a.) By Advertisement in some One or more of the Newspapers published in the County in which the District is situate; and

(b.) By causing a Copy of such Notice to be affixed to the principal Doors of every Church and Chapel to which Notices are usually affixed within the District:

(5.) After the Expiration of Ten Days from the Publication and posting of such Notice as aforesaid, no Person shall slaughter any Cattle or dress any Carcase for Sale as Human Food in any Place within the District, other than—

(a.) A Slaughter-house which was in use as such before and at the Time of the Constitution of the District, and has so continued ever since; or,

(b.) Slaughter-houses provided or authorized by the Local Board:

And every Person who after such Notice as aforesaid slaughters any Cattle or dresses for Sale any Carcase within the District in any Place not authorized by this Act shall incur for every Offence a Penalty not exceeding Two Pounds:

(6.) The Local Board may make Byelaws—

With respect to the Management of and Charges for the Use of any Slaughter-house so provided by them, and with

with respect to the Inspection and Regulation of all Slaughter-houses whatever within their District, and for keeping the same in a wholesome State:

(7.) The Local Board may purchase or take on Lease any Land necessary for carrying into effect the Objects of this Section.

(8.) Nothing herein contained shall prejudice or affect the Rights, Privileges, or Powers vested in any Person or Persons whomsoever under or by virtue of any Local Act of Parliament, passed before the passing of this Act, for the Purpose of making and maintaining Slaughter-houses for the Accommodation of any City, Town, or other Place.

Pleasure Grounds.

CX. The Local Board may hold, purchase by Agreement, take on Lease, maintain, lay out, plant, and improve Land for the Purpose of being used as Public Walks or Pleasure Grounds, and support or contribute towards any Premises provided for such Purposes by any Person whomsoever.

CLAUSE V. Local Board may provide Places of Public Recreation, &c. 11 & 12 Vict. c. 63. s. 74.

PART V.

GENERAL PROVISIONS.

Cellars.

CXI. No Cellar or underground Room in any District shall be let or occupied separately as a Dwelling, unless it possess the following Requisites; that is to say,

(1.) Unless the same is in every Part thereof at least Seven Feet in Height measured from the Floor to the Ceiling thereof; nor,

(2.) Unless the same is at least One Foot of its Height above the Surface of the Street or Ground adjoining or nearest to the same; nor,

(3.) Unless there is outside of and adjoining such Cellar or Room, and extending along the entire Frontage thereof, and upwards from Six Inches below the Level of the Floor thereof up to the Surface of the said Street or Ground, an open Area of at least Three Feet wide in every Part; nor,

(4.) Unless the same is well and effectually drained and secured against the Rise of Effluvia from any Sewer or Drain; nor,

CLAUSE Q. Cellars, &c. not to be let as Dwelling Rooms, except, &c. 11 & 12 Vict. c. 63. s. 67.

(5.) Unless there is appurtenant to such Cellar or Room the Use of a Watercloset or Privy, as the Local Board may require, and of an Ashpit furnished with proper Doors and Coverings; nor,

(6.) Unless the same has a Fireplace with a proper Chimney or Flue; nor,

(7.) Unless the same has an external Window of at least Nine Superficial Feet in Area clear of the Sash Frame, and made to open in such Manner as is approved by the Surveyor of the Local Board:

And whosoever lets, occupies, or continues to let, or knowingly suffers to be occupied any Cellar or underground Room contrary to this Act, shall be liable for every such Offence to a Penalty not exceeding Twenty Shillings for every Day during which the same continues to be so let or occupied after Notice in Writing from the Local Board in this Behalf; and every Cellar or underground Room in which any Person passes the Night shall be deemed to be occupied as a Dwelling within the Meaning of this Act, but the above Rule as respects Areas shall be qualified as follows:

In any Area adjoining a Cellar or underground Room there may be placed Steps necessary for Access to such Cellar or Room, if the same are so placed as not to be over or across the said external Window:

Over or across any such Area there may be Steps necessary for Access to any Building above the Cellar or Room to which such Area adjoins, if the same be so placed as not to be over or across any such external Window.

CLAUSE R. Time of Provisions coming into operation.

CXII. The foregoing Provision with respect to the Letting and Occupation of Cellars and underground Rooms shall not, so far as the same relates to Cellars and underground Rooms which have been previously let or occupied as Dwellings, come into force within any District until the Expiration of Six Months from the Time of the Constitution of such District, and every Local Board shall from Time to Time after the passing of this Act cause public Notice of the Provisions of this Act with respect to the Letting and Occupation of Cellars and underground Rooms to be given in such Manner as may appear to them to be best calculated to make the same generally known.

Purchase of Land.

Regulations as to the Purchase of Land.

CXIII. The following Regulations shall be observed with respect to the Purchase of Land by Local Boards; (that is to say,)

(1.) The Lands Clauses Consolidation Act, 1845, shall be incorporated with this Act:

(2.) The

(2.) The Local Board shall not put in force any of the Powers of the said Lands Clauses Consolidation Act in relation to the compulsory taking of Land except with the Sanction of Parliament, such Sanction to be obtained by the Local Board desirous of taking such Land in manner herein-after mentioned.

Publication of Notices.

CXIV. Every Local Board, before applying for the Sanction of Parliament, shall do as follows; (that is to say,)

Publish once at the least in each of Three consecutive Weeks in some Newspaper published in the County in which the District or some Part of the District is situate an Advertisement describing shortly the Nature of the Undertaking in respect of which the Land is proposed to be taken, naming a Place where a Plan of the proposed Undertaking may be seen at all reasonable Hours, and stating the Quantity of Land that they require for the aforesaid Purposes;

Serve a Notice in manner herein-after mentioned on every Owner or reputed Owner, Lessee or reputed Lessee, and Occupier of such Land, defining in each Case the particular Land intended to be taken, and requiring an Answer, stating whether the Person so served assents, dissents, or is neuter in respect of taking such Land.

Services of Notices.

CXV. Service of the Notices mentioned in the foregoing Section may be made as follows:

By Delivery of the same personally on the Party required to be served, or, if such Party is absent abroad, to his Agent; or

By leaving the same at the usual or last known Place of Abode of such Party as aforesaid; or

By forwarding the same by Post in a registered Letter addressed to the usual or last known Place of Abode of such Party.

Local Board to petition General Board.

CXVI. Upon Compliance with the Provisions herein-before contained with respect to Advertisements and Notices, the Local Board may present a Petition under their Seal to the General Board. The Petition shall state the Land intended to be taken, and the Purposes for which it is required, and the Names of the Owners, Lessees, and Occupiers of Land who have assented, dissented, or are neuter in respect of the taking such Land, or who have returned no Answer to the Notice. It shall pray that the Local Board may, with reference to such Land, be allowed to put in force the Powers of the said Lands Clauses Consolidation Act in relation to the compulsory taking of Land, and such Prayer shall be supported by such Evidence as the General Board requires.

General Board may direct Inquiry.

CXVII. Upon the Receipt of such Petition, and upon due Proof of the proper Advertisements having been published and Notices served, the General Board shall take such Petition into their Consideration, and they may either dismiss the same, or they may, if they think fit, send an Inspector to the District in which the Land is situate, or take such other Steps as they think proper, for the Purpose of making Inquiry as to the Propriety of assenting to the Prayer of such Petition; but the General Board shall not, until such Inquiry has been made in the District, make any Provisional Order affecting any Land without the Consent of the Owners, Lessees, and Occupiers thereof.

Inspector to give Notice of Inquiry.

CXVIII. Before commencing his Inquiry in the District the Inspector shall give such Notice as the General Board directs of his Intention to make the same, and of a Time and Place at which he will be prepared to hear all Persons desirous of being heard before him on the Subject Matter of such Inquiry.

General Board may make Provisional Order.

CXIX. After the Completion of the Inquiry as last aforesaid the General Board may, by Provisional Order under their Seal, empower the Local Board to put in force with reference to the Land mentioned or referred to in such Order the Powers of the said Lands Clauses Consolidation Act in relation to the compulsory taking of Land, and it shall be the Duty of the Local Board to serve a Copy of any Order so made in the Manner and upon the Persons in which and upon whom Notices in respect of such Land are herein-before required to be served.

Clause W. General Board to obtain Confirmation of Provisional Order by Parliament.

CXX. Any Provisional Order so made shall be of no Validity unless the same has been confirmed by Act of Parliament, but it shall be the Duty of the General Board of Health as soon as conveniently may be to obtain such Confirmation, and when so confirmed, such Order shall be deemed to be a Public General Act of Parliament; and all Costs, Charges, and Expenses incurred by the said General Board in relation to any such Provisional Order as last aforesaid shall, to such Amount as the Treasury think proper to direct, become a Charge upon the General District Rates levied in the District to which such Order relates, and be repaid to the Treasury by annual Instalments not exceeding Five, together with Interest after the yearly Rate of Five Pounds in the Hundred, to be computed from the Date of any such last-mentioned Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as may from Time to Time remain unpaid.

Expenses

Expenses and Rates.

CXXI. The Treasurer of the Local Board shall keep a separate Account, to be called "The District Fund Account," and the Monies carried to such Account under the Directions of this Act shall be applied by the Local Board in defraying such of the Expenses incurred by the Local Board in carrying this Act into execution, and not otherwise provided for, as they think proper.

District Fund Account to be kept. 11 & 12 Vict. c. 63. s. 87.

CXXII. Full Compensation shall be made, out of the General District Rates to be levied under this Act, to all Persons sustaining any Damage by reason of the Exercise of any of the Powers of this Act; and in case of Dispute as to Amount the same shall be settled by Arbitration in the Manner provided by this Act; or, if the Compensation claimed do not exceed the Sum of Twenty Pounds, the same may be ascertained by and recovered before Justices in a summary Manner.

Compensation in case of Damage by Local Board. 11 & 12 Vict. c. 63. s. 144.

CXXIII. All Penalties recovered under this Act, or any Act incorporated herewith, shall, notwithstanding the Provisions of an Act passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth, Chapter Seventy-six, and intituled "An Act to provide for the Regulation of Municipal Corporations in England and Wales," be paid to the Treasurer of the Local Board, and be by him carried to the District Fund Account herein-before mentioned.

Application of Penalties. 11 & 12 Vict. c. 63. s. 133.

CXXIV. The following Rules shall be observed with respect to the Recovery of the Expenses herein-before declared to be Private Expenses:

Rules as to Private Expenses. 11 & 12 Vict. c. 63. s. 90.

(1.) Private Expenses shall carry Interest at the Rate of Five Pounds per Centum per Annum from the Time at which the same are incurred:

(2.) Private Expenses may, by Order of the Local Board, be declared to be a Charge on the Premises in respect of which they have been incurred, and such Charge shall, in the Case of Premises in the Occupation of any Person, be payable by the Occupier, but in the Case of unoccupied Premises be payable by the Owner:

(3.) The Local Board may appoint the Times at which the Principal and Interest due in respect of Private Expenses are respectively to be paid, with this Limitation, that the whole Amount of such Principal and Interest shall be paid off within the Period of Thirty Years from the Time at which such Expenses were incurred:

(4.) If Default is made by any Occupier in Payment of any Principal or Interest due from him in respect of Private Expenses, the Monies so due may be levied by Distress and Sale of the Goods and Chattels of such Occupier; and if Default is made by any Owner in Payment of any Principal or Interest due from him in respect of Private Expenses, the same may be recovered from him in a summary Manner.

Deductions in respect of Private Expenses. 11 & 12 Vict. c. 63. s. 91.

CXXV. The following Deductions shall be allowed to Occupiers in respect of Payments made on account of Private Expenses:

(1.) Every Occupier holding at a Rackrent shall be entitled to deduct from the Rent payable to his immediate Landlord Three Fourths of the Amount paid by such Occupier in respect of Private Expenses:

(2.) Every Occupier holding at a Rent less than Rackrent shall be entitled to deduct from the Rent payable to his immediate Landlord such Proportion of Three Fourths of the Rent as his Rent bears to the Rackrent.

Redemption of Charge for Private Expenses. 11 & 12 Vict. c. 63. s. 92.

CXXVI. At any Time before the Expiration of the Period for which any Charge for Private Expenses is made, the Owner or Occupier of the Premises charged therewith may redeem the same, by paying to the Local Board the Expenses incurred by them on account of the Improvement, or such Part thereof as may not have been defrayed by Sums already paid in respect of the same.

General Expenses to be defrayed out of General District Rate.

CXXVII. All Expenses incurred by any Local Board which are not herein-before specially provided for shall be defrayed by a Rate, to be called the General District Rate, and to be levied from Time to Time by the Local Board as Occasion requires.

Regulations as to General District Rate. 11 & 12 Vict. c. 63. s. 88.

CXXVIII. The following Regulations shall be observed with respect to General District Rates; that is to say,

First—As to the Incidence of the Rate:

(1.) Subject to the Exceptions herein-after mentioned, the General District Rate shall be a Tax upon the Occupiers of all such Property situate within the District, as is assessable to any Rate for the Relief of the Poor in proportion to the net annual Value of such Property:

(2.) No Property, which if it were situate within the Boundaries of a Parish would be assessable to the Relief of the Poor, shall be exempt from any District Rate by reason of its being extra-parochial; but such Property shall be subject to such Rate in the same Manner as it would be subject if situate within the Boundaries of some Parish in the District:

(3.) The

(3.) The net annual Value of any Property shall be ascertained by the last preceding Assessment for the Relief of the Poor:

(4.) For the Purpose of assessing the General District Rate, any Person appointed by the Local Board may inspect, take Copies of or make Extracts from, any Rate for the Relief of the Poor within the District, or any Books relating to the same; and if any Officer having the Custody of such last-mentioned Rate or Books refuses to permit any such Inspection or the taking of any such Copies or Extract, he shall for each Offence incur a Penalty not exceeding Five Pounds:

(5.) If there is no such Assessment as aforesaid for the Relief of the Poor by Reference to which such net annual Value can be estimated, or if such Assessment is, in the Judgment of the Local Board, an unfair Criterion for making a General District Rate, a Valuation shall be made by a Person appointed by the Local Board for that Purpose, in manner, as near as Circumstances will permit, prescribed by an Act passed in the Seventh Year of the Reign of King William the Fourth, intituled "An Act to regulate Parochial Assessments," or any other Act for the Time being in force for regulating Parochial Assessments; and the net annual Value of the Property shall be ascertained by reference to the said Valuation and Assessment:

(6.) Whenever the Name of any Owner or Occupier liable to be rated under this Act is not known to the Local Board of Health, it shall be sufficient to assess and designate him in the Rate as "the Owner" or "the Occupier" of the Premises in respect of which the Assessment is made, without further Description: 11 & 12 Vict. c. 63. s. 101.

(7.) The above Rules shall be subject to the following Exceptions; that is to say, 11 & 12 Vict. c. 63. s. 93.

The Owner, instead of the Occupier, may, at the Option of the Local Board, be rated in Cases—

Where the clear annual Value of any Premises liable to Assessment under this Act is less than the Sum of Ten Pounds; or

Where any Premises liable to an Assessment are let to weekly or monthly Tenants; or

Where any Premises so liable as aforesaid are let in separate Apartments, subject to this Proviso, that in Cases where the Owner is rated instead of the Occupier he shall be assessed upon such reduced Estimate as the Local Board deems reasonable of the

the net annual Value, not being less than Two Thirds nor more than Four Fifths of such annual Value:

11 & 12 Vict. c. 63. s. 88. The Owner of any Tithes, or of any Tithe Commutation Rentcharge, or the Occupier of any Land used as Arable, Meadow, or Pasture Ground only, or as Woodlands, Market Gardens, or Nursery Grounds, and the Occupier of any Land covered with Water, or used only as a Canal or Towing-path for the same, or as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, shall be assessed in respect of the same in the Proportion of One Fourth Part only of such net annual Value thereof:

11 & 12 Vict. c. 63. s. 89. (8.) A General District Rate may be raised retrospectively for the Purpose of paying any Charges or Expenses which may have been incurred at any Time within Twelve Months before the making of the Rate; and when any Rate is appealed against, the Time during which the Appeal remains undecided shall be excluded in calculating such Period of Twelve Months as lastly herein-before mentioned.

Secondly—As to Estimate and Notice of Rate:

11 & 12 Vict. c. 63. s. 98. (9.) The Local Board of Health, before proceeding to make any General District Rate under this Act, shall cause an Estimate to be prepared of the Money required for the Purposes in respect of which the Rate is to be made, showing the several Sums required for each of such Purposes, the rateable Value of the Property assessable, and the Amount of Rate which for those Purposes it is necessary to make upon each Pound of such Value; and the Estimate so made shall forthwith, after being approved of by the said Local Board, be entered in the Rate Book, and be kept at their Office, open to public Inspection during Office Hours thereat:

11 & 12 Vict. c. 63. s. 99. (10.) Public Notice of their Intention to make any General District Rate, and of the Time at which it is intended to make the same, and of the Place where a Statement of the proposed Rate is deposited for Inspection, shall be given by the Local Board at least Seven Days before the Day on which the Rate is intended to be made; but in case of Proceedings to levy or recover any Rate, such Notice shall be presumed to have been given, unless the Contrary is proved.

Thirdly—As to Inspection and Amendment of Rate:

11 & 12 Vict. c. 63. s. 100. (11.) Any Person interested in or assessed to any Rate made under this Act may inspect the same, and any Estimate made previously

previously thereto, and may take Copies of or Extracts therefrom, without Fee or Reward; and whosoever, having the Custody of such Estimate or Rate, refuses to allow or does not permit such Inspection, or such Copies or Extracts to be taken, shall for every such Offence be liable to a Penalty not exceeding Five Pounds:

(12.) The Local Board may from Time to Time amend any Rate made in pursuance of this Act in manner following: 11 & 12 Vict. c. 63. s. 100.

By inserting therein the Name of any Person claiming and entitled to have his Name inserted;

By inserting the Name of any Person who ought to have been assessed;

By striking out the Name of any Person who ought not to have been assessed;

By raising or reducing the Sum at which any Person has been assessed, if it appear to the said Local Board that he has been under-rated or over-rated;

By making any other Alteration which will make the Rate conformable to the Provisions of this Act:

And no Amendment so made shall be held to avoid the Rate:

(13.) Any Person who feels himself aggrieved by any such Amendment as aforesaid shall have the same Right of Appeal therefrom as he would have had if the Matter of Amendment had appeared on the Rate originally made; and with respect to him the amended Rate shall be considered to have been made at the Time when he first received Notice of the Amendment; and in the Case of any Person the Amount of whose Rate is increased by the Amendment, or whose Name is thereby newly inserted as aforesaid, the Rate shall not be payable by him until Seven Days after such Notice has been given to him.

Fourthly—As to Publication and Collection of Rate:

(14.) All Rates made under the Authority of this Act shall be published in the same Manner as Poor Rates, and shall commence and be payable at such Time or Times, and either in One Sum or by Instalments, and shall be collected in such Manner and by such Persons, and separately, or with any other Rate or Tax, as the Local Board from Time to Time appoints. 11 & 12 Vict. c. 63. s. 103.

Fifthly—As to the Remedies for Rate:

(15.) If any Person assessed to any such Rate fails to pay the same when due, and for the Space of Fourteen Days after the same has been demanded, any Justice may summon the Defaulter to appear before him or any other Justice, 11 & 12 Vict. c. 63. s. 103.

at a Time and Place to be mentioned in the Summons, to show Cause why the Rate in arrear should not be paid; and in case the Defaulter fails to appear according to the Exigency of the Summons, or no sufficient Cause for Nonpayment is shown, the Justice may, by Warrant under his Hand and Seal, cause the same, and all Costs of the Proceedings, to be levied by Distress of the Goods and Chattels of the Defaulter:

(16.) In any Proceedings for the Recovery of such Rate, any Number of Persons may be included in the same Information, Summons, or other legal Proceeding:

11 & 12 Vict. c. 63. s. 103.

(17.) If no Distress sufficient to satisfy the Amount can be found within the Jurisdiction of the Justice by whom such Warrant is granted, and it so appears upon Oath before a Justice of any other County or Jurisdiction in which any Goods or Chattels of the Defaulter may be, the last-mentioned Justice shall indorse his Signature upon the said Warrant, and thereupon the Amount to be levied, or so much thereof as may be unsatisfied, shall be levied of the last-mentioned Goods and Chattels, in the same Manner as if the Defaulter had been assessed in the last-mentioned County:

11 & 12 Vict. c. 63. s. 103.

(18.) If any Person quits or is about to quit any Premises without Payment of any Rate then due from him in respect of such Premises under this Act, and refuses to pay the same, after lawful Demand thereof in Writing, any Justice having Jurisdiction where such Person resides or his Goods are found may summon him to appear, at a Time and Place to be mentioned in the Summons, to show Cause why the Rate so due should not be paid; and in case the Defaulter fails to appear, or no sufficient Cause for Nonpayment be shown, the Justice may, by Warrant under his Hand and Seal, cause the Sum to be levied by Distress of the Goods and Chattels of the Defaulter:

(19.) The Costs of the Levy of Arrears of any Rate may be included in the Warrant for such Levy.

Sixthly—As to Appeal against Rate:

(20.) Any Person may appeal against a Rate upon the Terms and in the Manner in and upon which a Person may appeal against a Rate for the Relief of the Poor.

11 & 12 Vict. c. 63. s. 106.

Seventhly—As to Evidence of Rate:

The Production of the Books purporting to contain any Rate or Assessment made under this Act shall alone, and without any other Evidence whatsoever, be received as primâ facie Evidence of the making and Validity of the Rates mentioned therein.

CXXIX. The

CXXIX. The Local Board may from Time to Time divide their District into Parts, for all or any of the Purposes of this Act, and make a separate Assessment and levy a separate Rate upon any Part of such District for all or any of such last-mentioned Purposes, taking care nevertheless, in Cases where Expenses are incurred in respect of Two or more Parts of a District in common, to apportion such Expenses between such Parts in an equitable Manner.

District may be divided. 11 & 12 Vict. c. 63. s. 89.

CXXX. Any Rate made in pursuance of the last preceding Section shall be recovered in the same Manner, and be subject to the same Regulations as a General District Rate, or as near thereto as Circumstances admit.

Recovery of separate Rate.

CXXXI. Whenever any new Sewer is constructed, if it is proved to the Local Board that any Premises were sufficiently drained before the same is made, they shall deduct from the Amount of Rates otherwise chargeable in respect of such Premises such a Sum and for such Time as the Local Board may, under all the Circumstances of the Case, deem to be just.

Allowance to be made in case of new Sewer. 11 & 12 Vict. c. 63. s. 89.

CXXXII. In any Case in which the Local Board may have incurred Expenses for the Repayment whereof the Owner of the Premises for or in respect of which the same are incurred is made liable by this Act, the Local Board may, if they think fit, allow such Owner Time for Repayment, and receive the same by such annual Instalments, not being less than One Thirtieth Part of the entire Sum, together with Interest at the Rate of Five Pounds in the Hundred upon the Sum from Time to Time remaining unpaid, as they, under the Circumstances of each Case, may consider to be just; but although Time for Repayment is allowed as last aforesaid, the Sum due, or so much thereof as may be unpaid, shall from Time to Time in case of Default in Payment at the Times respectively appointed for Payment, be recoverable in like Manner in all respects as the entire Sum might have been recovered if Time for Repayment had not been allowed.

Local Board may allow Owners Time for Repayment of Expenses. 11 & 12 Vict. c. 63. s. 146.

Mortgage of Rates.

CXXXIII. The Local Board of Health may, for the Purpose of defraying any Costs, Charges, and Expenses incurred or to be incurred by them in the Execution of this Act, or of any Act incorporated herewith, borrow and take up at Interest, on the Credit of the Charges and Rates authorized to be made or collected under this Act, any Sums of Money necessary for defraying any such Costs, Charges, and Expenses; and for the Purpose of securing the Repayment of any Sums so borrowed, together with such Interest as aforesaid, the said

Mortgage of Rates. 11 & 12 Vict. c. 63. s. 107.

Local Board may mortgage to the Persons by or on behalf of whom such Sums are advanced the said Charges and Rates, or any of them; but the Exercise of the above Power shall be subject to the following Regulations:

(1.) The borrowing such Money shall be sanctioned by an Order of the General Board:

(2.) The Money so borrowed shall not any Time exceed in the whole the assessable Value for One Year of the Premises assessable within the District in respect of which such Money may be borrowed:

(3.) Such borrowing as aforesaid may be for such Time, not exceeding Fifty Years, as the Local Board, with the Sanction of the General Board of Health, determine in each Case; and, subject as aforesaid, the Local Board may either pay off the Monies so borrowed by equal annual Instalments, or they may in every Year set apart as a Sinking Fund, and accumulate, in the way of Compound Interest by investing the same in the Purchase of Exchequer Bills or other Government Securities, such Sum as will be sufficient to pay off the Monies so borrowed, or a Part thereof, at such Times as the Local Board may determine:

And in Cases where the Local Board borrow any Money for the Purpose of defraying Private Expenses, or Expenses in respect of which they have determined a Part only of the District to be liable, it shall be the Duty of the Local Board, as between the Ratepayers of the District, to make good, so far as they can, the Money so borrowed, as Occasion requires, either out of the Charges herein-before authorized to be created for the Liquidation of Private Expenses, or out of a Rate levied in such Part of the District as aforesaid.

Public Works Loan Commission, under 14 & 15 Vict. c. 23., may make Advances.

CXXXIV. The Commissioners acting in the Execution of an Act passed in the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Twenty-three, "to authorize for a further "Period the Advance of Money out of the Consolidated Fund to a "limited Amount, for carrying on Public Works and Fisheries, and "Employment of the Poor," and any Act or Acts for amending or continuing the same may, if they think fit, make Advances to the Local Board of any District for the Purposes of this Act, upon the Security of the Rates to be levied by such Board under this Act, and without requiring any further or other Security than a Mortgage of such Rate.

Money may be borrowed at lower Rates of

CXXXV. If the Local Board can at any Time borrow at a lower Rate of Interest than that secured by any Mortgage previously made by them, and then outstanding and in force, they may, if they shall think fit,

fit, so borrow accordingly, in order to pay off and discharge any of the Securities bearing a higher Rate of Interest, and may charge the Rates which they may be authorized to mortgage under this Act with Payment of the Sum so borrowed, together with the Interest thereon, in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed upon Mortgage.

Interest, to pay off Securities bearing a higher Rate. 11 & 12 Vict. c. 63. s. 109.

CXXXVI. If at the Time appointed by any Mortgage Deed for Payment of the Principal Money secured thereby the Local Board are unable to pay off the same, they may, if they think fit, borrow such Sum of Money as may be necessary for the Purpose of paying off the whole or any Part of the said Principal Monies, and may secure the Repayment of the same, and the Interest to be paid thereon, in the same Manner in all respects as in the Case of Monies borrowed for defraying Costs, Charges, and Expenses incurred by the Local Board in the Execution of this Act.

Power to borrow Money to pay off former Mortgages. 11 & 12 Vict. c. 63. s. 110.

CXXXVII. The Provisions of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed to the Commissioners, with the Exception of the Clause numbered Eighty-four in that Act, shall be incorporated in this Act.

Incorporation of certain Provisions of the Commissioners Clauses Act, 1847.

CXXXVIII. Every Mortgagee shall be repaid the Sums advanced, with Interest, without any Preference the one over the other by reason of any Priority of Advance or of the Date of his Mortgage.

Mortgagees not to have Priority.

CXXXIX. If any Principal Money or Interest is unpaid, after the Expiration of Six Months from the Time when the same has become due, upon any Mortgage under this Act, the Mortgagees may enforce the Payment of the Arrears so due by the Appointment of a Receiver, in the Manner expressed in the said incorporated Clauses of the said Commissioners Clauses Act, 1847.

Mortgagees may apply for Receiver.

Audit of Accounts.

CXL. The Accounts of the Receipts and Expenditure of the Local Board shall be audited and examined once in every Year at the least, at such Time or Times as may be appointed by such Local Board,—

As to Audit of Accounts. 11 & 12 Vict. c. 63. s. 122.

In case of a District consisting of a Borough, by the Auditors of the Borough;

In case of any other District, by the Auditor of Accounts relating to the Relief of the Poor for the Union in which such District or the greater Part thereof is situate, unless such Auditor is a Member of the Local Board whose Accounts he is appointed to audit,

audit, in which Case such Amounts shall be audited by such Auditor of any adjoining Union as may from Time to Time be appointed by the Local Board of Health:

And any Auditor acting in pursuance of this Section may disallow any Items of Account that he thinks unauthorized by Law, and any Person aggrieved by such Disallowance may appeal to the General Board against the same.

Power to Auditor to require Production of Books, &c.

CXLI. For the Purpose of any Audit of Account under this Act, every Auditor may, by Summons in Writing, require the Production before him of all Books, Deeds, Contracts, Accounts, Vouchers, and all other Documents and Papers which he may deem necessary, and may require any Person holding or accountable for any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers to appear before him at any such Audit or any Adjournment thereof, and to make and sign a Declaration as to the Correctness of the same; and if any such Person neglects or refuses so to do, or to produce any such Books, Deeds, Contracts, Accounts, Vouchers, Documents or Papers, or to make or sign such Declaration, he shall incur for every Neglect or Refusal a Penalty not exceeding Forty Shillings, and if he falsely or corruptly makes or signs any such Declaration, knowing the same to be untrue in any material Particular, he shall be liable to the Penalties inflicted upon Persons guilty of wilful and corrupt Perjury; and all Accounts certified by the Auditors or Auditor acting under this Act shall be conclusive to all Intents; and such Auditors or Auditor shall in respect of each Audit be paid, out of the General District Rates levied under this Act, such reasonable Remuneration, not being less than Two Guineas for every Day in which he is employed in such Audit, as the Local Board from Time to Time appoints.

Notice of Audit. 11 & 12 Vict. c. 63. s. 122.

CXLII. Before each Audit of Accounts under this Act, the Local Board shall give Ten Days Notice of the Time and Place at which the same will be made, by Advertisement in in some One or more of the public Newspapers published in the County in which the District is situate; and a Copy of the Accounts to be audited shall be deposited in the Office of the Local Board, and be open, during Office Hours thereat, to the Inspection of all Persons interested, for Seven Days before the Audit; and all such Persons shall be at liberty to take Copies of or Extracts from the same, without Fee or Reward.

Report of Auditors. 11 & 12 Vict. c. 63. s. 122.

CXLIII. Within Fourteen Days after the Completion of the Audit has been completed, the Auditor shall report upon the Accounts audited and examined, and shall deliver such Report to the Clerk of the Local Board, who shall cause the same to be deposited in the Office of the

Local

Local Board, and to be published in some One or more of the Newspapers published in the County in which the District is situate.

Notices.

Notices by Local Board, how to be signed.

CXLIV. Where any Notice is required to be given by any Local Board under this Act or any Act incorporated herewith, such Notice shall in all Cases be sufficiently executed if signed by the Clerk to the Local Board, or signed, in the Case of a District consisting of a Borough in which there is no such last-mentioned Clerk, by the Town Clerk; and every Notice purporting to be signed by such Clerk shall be receivable in Evidence in all Courts of Justice, and in all legal Proceedings, without any further Proof thereof.

As to Service of Notice on Owners and Occupiers of Buildings and Lands.

CXLV. Where under this Act, or any Act incorporated herewith, any Notice is required to be given to the Owner or Occupier of any Building or Land, such Notice, addressed to the Owner or Occupier thereof, as the Case may require, may be served on the Occupier of such Building or Land, or left with some Inmate of his Abode, or, if there is no Occupier, may be put up on some conspicuous Part of such Building or Land; and it shall not be necessary in any such Notice to name the Occupier or the Owner of such Building or Land; provided that when the Owner of any such Building or Land, and his Residence, are known to the Local Board, it shall be the Duty of the Local Board, if such Owner is residing within the District, to cause every Notice required to be given to the Owner to be served on such Owner, or left with some Inmate of his Abode; and if such Owner is not resident within the District, to send every such Notice by the Post, addressed to the Residence of such Owner.

Notices to be binding on Assigns.

CXLVI. All Notices required under this Act, or any Act incorporated herewith, to be served on any Owner or Occupier shall, if due Service thereof has been once made on any Owner or Occupier, be binding on all Persons claiming by, from, or under such Owner or Occupier, to the same Extent as if such Notice had been served on such last-mentioned Persons respectively.

Byelaws.

Byelaws. 11 & 12 Vict. c. 63. s. 115.

CXLVII. The Local Board may from Time to Time make such Byelaws as they think fit for the several Purposes for which they are herein-before or by any Incorporated Act empowered to make Byelaws, and from Time to Time repeal, alter, or amend any such Byelaws, provided that such Byelaws are not repugnant to the Laws of England, or to the Provisions of this Act, and are confirmed and published in manner herein-after mentioned.

Byelaws may be enforced by Imposition of Penalties. 11 & 12 Vict. c. 63. s. 115.

CXLVIII. The Local Board, by the Byelaws so to be made by them, may impose such reasonable Penalties as they think fit, not exceeding Forty Shillings for each Breach of such Byelaws, except as otherwise provided by this Act; but such Byelaws shall be so framed as to allow the Justices before whom any Penalty imposed thereby is sought to be recovered to order the Whole or Part only of such Penalty to be paid, or to remit the whole Penalty.

Byelaws to be confirmed. 11 & 12 Vict. c. 63. s. 115.

CXLIX. No Byelaw made by the Local Board under the Authority of this or any Incorporated Act shall be of any Force until it has been confirmed by the General Board, who are hereby empowered to allow or disallow the same as they think fit; but any Byelaw when so confirmed shall be deemed to be valid to all Intents and Purposes.

Notice of Confirmation to be given. 11 & 12 Vict. c. 63. s. 115.

CL. No such Byelaw shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same has been given in One or more of the Newspapers published in the County within which the District or some Part thereof is situate One Month at least before the making of such Application.

A Copy of proposed Byelaws to be open to Inspection. 11 & 12 Vict. c. 63. s. 115.

CLI. For One Month at least previous to any such Application for Confirmation of any Byelaw a Copy of the proposed Byelaw shall be kept at the Office of the Local Board, and all Persons may at all reasonable Times inspect such Copy without Fee; and the Local Board shall furnish every Person who applies for the same with a Copy thereof, or of any Part thereof, on Payment of Sixpence for every One hundred Words so to be copied.

Publication of Byelaws.

CLII. Every Byelaw when confirmed shall be printed; a printed Copy thereof shall be hung up in the Office of the Local Board, and a Copy thereof shall be delivered, on Application, to every Ratepayer of the District.

Evidence of Byelaws.

CLIII. The Production of a printed Copy of any Byelaw authenticated by the Seal of the Local Board shall, unless the contrary is shown, be Evidence of the Existence and of the due making of such Byelaw.

Legal Proceedings.

Rules as to Arbitrations.

CLIV. Arbitrations under this Act shall be conducted in manner directed by the Companies Clauses Consolidation Act, 1845, and for this Purpose the Clauses of the said Act, with respect to the Settlement of Disputes by Arbitration, shall be incorporated herewith, subject to the Qualification that in Cases where the Board of Trade is thereby authorized to appoint an Umpire, the General Board shall have Power to appoint the same.

CLV. All

Recovery of Penalties, &c.

CLV. All Penalties under this Act, and all Fees, Damages, Costs, Compensation, or Expenses by this Act directed to be recovered in a summary Manner, may be recovered before Two Justices in manner directed by an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty Queen Victoria, Chapter Forty-three, intituled "An Act to facilitate the Performance of the Duties of "Justices of the Peace out of Sessions within England and Wales "with respect to summary Convictions and Orders."

Appeal to Quarter Sessions. 11 & 12 Vict. c. 63. ss. 72, 135, 188.

CLVI. If any Person feels aggrieved by any Order or Adjudication made by any Justice, other than any Order or Adjudication in respect of Payment of Rates, or any Order or Requisition made by any Local Board in pursuance of this Act, or any Act incorporated herewith, or in pursuance of anyByelaw made by virtue of the Powers given by this Act, he may, if such Order, Adjudication, or Requisition involves the Payment or Outlay of a Sum exceeding Ten Pounds, appeal to the Court of Quarter Sessions against any such Order, Adjudication, or Requisition; but no such Appeal shall be entertained unless it is made within Four Months next after the making of such Order, Adjudication, or Requisition, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, is given to the Party against whom the Appeal is brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

CLVII. At the Sessions the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the Hearing of such Appeal the Court may, if they think fit, mitigate any Penalty, or they may modify, confirm, or quash any Order, Adjudication, or Requisition so made as aforesaid, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs both of the Order, Adjudication, or Requisition, and of the Appeal, as they may think reasonable.

Notice of Action. 11 & 12 Vict. c. 63. s. 139.

CLVIII. No Writ or Process shall be sued out against or served upon any Superintending Inspector, or any Officer or Person acting in his Aid, or under the Direction of the General Board, nor against the Local Board, or any Member thereof, or the Officer of Health, Clerk, Surveyor, Inspector of Nuisances, or other Officer or Person whomsoever acting under the Direction of the Local Board, for anything done or intended to be done under the Provisions of this Act, or

of any Act incorporated herewith, until the Expiration of One Month next after Notice in Writing has been delivered to him, or left at their or his Office or usual Place of Abode, clearly stating the Cause of Action, and the Name and Place of Abode of the intended Plaintiff, and of his Attorney or Agent in the Cause; and upon the Trial of any such Action the Plaintiff shall not be permitted to go into Evidence of any Cause of Action which is not stated in the last-mentioned Notice; and unless such Notice is proved the Jury shall find for the Defendant; and every such Action shall be brought or commenced within Six Months next after the Accrual of the Cause of Action, and not afterwards, and shall be laid and tried in the County or Place where the Cause of Action occurred, and not elsewhere; and the Defendant shall be at liberty to plead the General Issue, and give this Act and all special Matter in Evidence thereunder.

Tender of Amends.

CLIX. If any Party has committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or any Act incorporated therewith, or by virtue of any Power or Authority thereby given, and if before Action brought in respect thereof, such Party makes Tender of sufficient Amends to the Party injured, such last-mentioned Party shall not recover in any such Action; and if no such Tender has been made, it shall be lawful for the Defendant, by Leave of the Court where such Action is pending, at any Time before Issue joined, to pay into Court such Sum of Money as he thinks fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Things required to be done by Two Justices may, in certain Cases, be done by One.

CLX. All Things herein, or in any Act incorporated herewith, authorized or required to be done by Two Justices, may be done by any One Magistrate having by Law Authority to act alone for any Purpose with the Powers of Two or more Justices.

Justices not disqualified by being a Member of Local Board.

CLXI. Except in Cases where express Provision to the contrary is made by this Act, no Person shall be disqualified from acting as a Justice of the Peace under this Act by reason of his being a Member of the Local Board of the District within which the Subject Matter of which he has cognizance arises.

Reporting on Execution of Act.

Accounts to be transmitted to the General Board.

CLXII. Every Local Board shall make a Report, in such Form and at such Time as the General Board from Time to Time directs, of all Works executed by them during the preceding Year, of all Sums received and Disbursements made, and of all other such Matters and Things as the General Board directs, and shall send a Copy to the General Board, and deliver a Copy free of Charge to every Ratepayer in the District who applies for the same.

CLXIII. The

CLXIII. The General Board may from Time to Time direct a Superintending Inspector to visit any District, for the Purpose of making Inquiry as to the Execution of this Act, and as soon as possible after the Completion of such Inquiry he shall report the Result in Writing to the General Board. General Board may inspect Districts.

CLXIV. The General Board shall report to both Houses of Parliament the Result of all Inquiries made by their Direction into the Execution of this Act. General Board to Report to Houses of Parliament.

Miscellaneous.

CLXV. The Local Board, their Officers or Servants, may enter, examine, and lay open any Lands or Premises for any of the Purposes of this Act; and in case the Owner or Occupier of such Lands or Premises refuses to permit the same to be so entered upon, examined, or laid open, the Local Board may, upon Notice to such Owner or Occupier, apply to Two Justices for an Order authorizing the Members of such Local Board, their Officers and Servants, or any of them, to enter, examine, and lay open the said Lands and Premises for the Purposes aforesaid or any of them, and if no sufficient Cause is shown against the same, the said Justices may make an Order authorizing the same accordingly, and thereupon the Local Board, or any Member thereof, and any Officer and Servant of the Local Board, may, at all reasonable Times between the Hours of Ten in the Forenoon and Four in the Afternoon, enter, examine, or lay open the Lands or Premises mentioned in such Order, for such of the said Purposes as may be specified in the said Order, without being subject to any Action or Molestation for so doing: Provided that, except in case of Emergency, no Entry shall be made or Works commenced under the Powers of this Enactment unless Twenty-four Hours at the least previously thereto Notice of the intended Entry, and of the Object thereof, has been given to the Occupier of the Premises intended to be entered. Entry upon Lands for the Purposes of this Act. 11 & 12 Vict. c. 63. s. 143

CLXVI. Whenever, for the Purposes of this Act, the Local Board deem it necessary to raise, sink, or otherwise alter the Situation of any Water or Gas Pipes, Mains, Plugs, or other Waterworks or Gasworks laid in or under any Street, they may, by Notice in Writing require the Person to whom the Pipes, Mains, Plugs, or Works belong to raise, sink, or otherwise alter the Situation of the same, in such Manner and within such reasonable Time as is specified in such Notice, and the Expenses attendant upon or connected with any such Alteration shall be paid by the said Local Board out of the General District Rates levied under this Act, except in Cases where, under any Local Act of Parliament, the Expenses attendant upon or connected with the raising, sinking, or otherwise altering the Situation of any Water Power to require Gas and Water Pipes to be moved. 11 & 12 Vict. c. 63. s. 73.

or Gas Pipes, Mains, Plugs, or other Waterworks or Gasworks, are directed to be borne by the Person to whom such Pipes or Works belong, in which Cases the Liability of such last-mentioned Person in respect of such Expenses shall continue, in the same Manner and under the same Conditions in all respects as if this Act had not been passed; and if such Notice as aforesaid is not complied with, the Local Board may make the required Alteration; but no Alteration shall be required or made under this Section which will permanently injure any such Pipes, Mains, Plugs, or Works.

Superintending Inspectors may summon Witnesses, and call for Plans, &c. 11 & 12 Vict. c. 63. s. 121.

CLXVII. During any Inquiry by a Superintending Inspector under this Act, he may summon before him any Persons whomsoever, and examine them upon Oath or otherwise touching any Matter relating to the Purposes of the Inquiry, and he may by any such Summons require any Parochial Officer, or any Officer of or acting under any Corporation, Guardians or Directors of the Poor, and any Commissioner, Trustee, Officer, or Person acting under any Local Act of Parliament in force within the District to which any such Inquiry may relate, to produce before him any Surveys, Plans, Sections, Rate Books, or other like Documents which may by reason of their Office be in their Custody or Control touching any Matter relating to the Purposes of such Inquiry, and such Inspector may examine, inspect, or take Copies of any such Books, Surveys, Plans, Sections, and Documents, or any of them, or Part thereof; and whosoever wilfully disobeys any such Summons, or prevents any such Inspector from examining, inspecting, or taking Copies as last aforesaid, or refuses to answer any Question put to him by such Inspector for the Purposes of the said Inquiry, shall be liable to a Penalty not exceeding Five Pounds: Provided always, that no Person shall be required to attend in obedience to any such Summons unless the reasonable Charges of his Attendance shall have been paid or tendered to him; and no Person shall be required in any Case, in obedience to any such Summons, to travel more than Ten Miles from his Place of Abode.

Penalty for obstructing Officers, defacing Boards, &c.

CLXVIII. Whosoever wilfully obstructs any Superintending Inspector, or any Member of the Local Board, or any Officer or Person duly employed in the Execution of this Act, or destroys, pulls down, injures, or defaces any Board, Handbill, or Placard upon which any Bye-law, Notice, or other Matter is inscribed, shall, if the same were put up by Authority of the Local or General Board, be liable for every such Offence to a Penalty not exceeding Five Pounds.

Penalty on Injury to Works, &c. of Local Board.

CLXIX. If any Person injures any Works or Property belonging to any Local Board, he shall incur for every such Offence a Penalty not exceeding Five Pounds.

CLXX. If

Penalty on Occupier preventing Execution of Works. 11 & 12 Vict. c. 63. s. 144.

CLXX. If the Occupier of any Premises prevents the Owner thereof from obeying or carrying into effect the Provisions of this Act, any Justice to whom Application is made in this Behalf may, by Order, require such Occupier to permit the Execution of the Works required to be executed, if he thinks the same to be such as are necessary for the Purpose of carrying into effect the Provisions of this Act; and if within a reasonable Time after the making of such Order the Occupier against whom it is made refuses to comply therewith, he shall incur a Penalty not exceeding Five Pounds for every Day afterwards during the Continuance of such Refusal; and if the Occupier of any Premises, when requested by or on behalf of the Local Board to state the Name of the Owner of the Premises occupied by him, refuses or wilfully omits to disclose or wilfully mis-states the same, any Justice may, on Oath made before him of such Request, and Refusal, Omission, or Mis-statement, summon the Party to appear before him or some other Justice at a Time and Place to be appointed in such Summons, and if after being so summoned he neglects or refuses to attend at the Time and Place so appointed, or if he does not show good Cause for such Refusal, or if such wilful Omission or Mis-statement is proved, the Justice before whom the Party is so summoned may impose upon the Offender a Penalty not exceeding Five Pounds.

Persons giving false Evidence liable to Penalties of Perjury. 11 & 12 Vict. c. 63.

CLXXI. Every Person who, upon any Examination upon Oath under the Provisions of this Act, wilfully and corruptly gives false Evidence, shall be liable to the Penalties of wilful and corrupt Perjury.

CLAUSE X.

Persons acting in execution of Act not to be personally liable. 11 & 12 Vict. c. 63. s. 140.

CLXXII. No Matter or Thing done or Contract entered into by the Local Board of Health, nor any Matter or Thing done by any superintending Inspector or any Member of a Local Board, or by any Officer or Person acting under the Direction of a Local Board, shall, if the Matter or Thing were done or the Contract were entered into bonâ fide for the Purpose of executing this Act, subject them or any of them personally to any Action, Liability, Claim, or Demand whatsoever; and any Expense incurred by any such Local Board, Member, Officer, or Person acting as last aforesaid, shall be borne and repaid out of the General District Rates levied under the Authority of this Act.

Amendment of clerical Errors.

CLXXIII. The General Board may alter any clerical Errors occurring in any Provisional Order made in pursuance of this Act.

Exemptions from Stamp Duty. 11 & 12 Vict. c. 63. s. 151.

CLXXIV. No Deed, Award, Submission, Instrument, Contract, Agreement, Receipt, or Writing, made or executed by or to the said General or Local Board, their Officers or Servants, under or for the

the Purposes of this Act, nor any Appointment by the General or Local Board of any Officer or Person under this Act, shall be chargeable with any Stamp Duty whatever.

Saving Clauses.

Saving Clause for Proprietors of Canals, &c. 11 & 12 Vict. c. 63. s. 118.

CLXXV. No Power given by this Act shall be exercised in such Manner as to do the following Things or any of them:—

(1.) To interfere with any River, Canal, Dock, Harbour, or Basin, so as to injuriously affect the Navigation thereon, or the Use thereof, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, and Trustees, or Individuals are by virtue of any Act of Parliament entitled to navigate on or use such River, Canal, Dock, Harbour, or Basin, or in respect of the Navigation on or Use of which River, Canal, Dock, Harbour, or Basin any Corporation, Company, Undertakers, Commissioners, Conservators, and Trustees, or Individuals are entitled by virtue of any Act of Parliament to the Receipt of any Tolls or other Dues:

(2.) To interfere with any Watercourse in such Manner as to injuriously affect or permanently diminish the Supply of Water to any River, Canal, Dock, Harbour, or Basin, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals, (being authorized by virtue of any Act of Parliament to navigate on or use such River, Canal, Dock, Harbour, or Basin, or to demand any Tolls or Dues in respect of the Navigation on or Use of such River, Canal, Dock, Harbour or Basin,) would, if this Act had not passed, have been entitled by Law to prevent or be relieved against such Interference:

(3.) To interfere with any Bridges crossing any River, Canal, Dock, Harbour, or Basin, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are authorized by virtue of any Act of Parliament to navigate or use such River, Canal, Dock, Harbour, or Basin, or to demand any Tolls or Dues in respect of the Navigation or Use of such River, Canal, Dock, Harbour, or Basin:

(4.) To execute any Works in, through, or under any Wharves, Quays, Docks, Harbours, or Basins, to the exclusive Use of which any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are entitled by virtue of any Act of Parliament, or for the Use of which they are entitled by virtue of any Act of Parliament to demand any Tolls or Dues;—

Without

Without the Consent in every Case of such Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals as are herein-before in that Behalf respectively mentioned, such Consent to be expressed in Writing, in the Case of a Corporation under their Common Seal, and in the Case of a Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals, under the Hand of their Clerk or other duly authorized Officer or Agent.

Certain Works to be referred to Arbitration.

CLXXVI. In Cases where any Matters or Things proposed to be done by any Local Board, and which are not within the Prohibition aforesaid, interfere with the Improvement of any River, Canal, Dock, Harbour, or Basin which any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are entitled by virtue of any Act of Parliament to navigate on or use, or in respect of the Navigation whereon or Use whereof to demand any Tolls or Dues, or interfere with any Works belonging to such River, Canal, Dock, Harbour, or Basin, or with any Land necessary for the Enjoyment or Improvement thereof, the Local Board shall give to such Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals as last aforesaid a Notice specifying the Particulars of the Matters and Things so intended to be done; and if the Parties on whom such Notice is served do not consent to the Requisitions thereof, the Matter in difference shall be referred to Arbitration in manner herein-before provided, and the following Questions shall be decided by such Arbitration; (that is to say,)

(1.) Whether the Matters or Things so proposed to be done by the Local Board will cause any Injury to such River, Canal, Dock, Harbour, Basin, Works, or Land as are herein-before mentioned in this Section, or to the Enjoyment or Improvement of such River, Canal, Dock, Harbour, or Basin as aforesaid:

(2.) Whether any Injury that may be caused by such Matters or Things or any of them is or not of a Nature to admit of being fully compensated by Money.

Effect of Arbitration.

CLXXVII. The Result of any such Arbitration shall be final, and the Local Board shall do as follows; (that is to say,)

If the Arbitrators are of opinion that no Injury will be caused, the Local Board may forthwith proceed to do the proposed Matters and Things:

If the Arbitrators are of opinion that Injury will be caused, but that such Injury is of a Nature to admit of being fully compensated by Money, they shall proceed to assess such Compensation; and upon Payment of the Amount so assessed, but not before, the Local Board may proceed to do the proposed Matters and Things:

If the Arbitrators are of opinion that Injury will be caused, and that it is not of a Nature to admit of being fully compensated by Money, the Local Board shall not proceed to do any Matter or Thing in respect of which such Opinion may be given.

Saving Clause as to Transfer.

CLXXVIII. No Transfer of Powers and Privileges under this Act shall deprive any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals authorized by virtue of any Act of Parliament to navigate on any River or Canal, or to demand for their own Benefit in respect of such Navigation any Tolls or Dues, of such Powers and Privileges as are vested in them by any Act of Parliament in relation to such River or Canal.

Power for Corporation to alter Sewers.

CLXXIX. Any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals authorized by virtue of any Act of Parliament to navigate on or use any River, Canal, Dock, Harbour, or Basin, or to demand any Tolls or Dues in respect of the Navigation on such River or Canal or the Use of such Dock, Harbour, or Basin, may, at their own Expense, and on substituting other Sewers, Drains, Culverts, and Pipes equally effectual, take up, divert, or alter the Level of any Sewers, Drains, Culverts, or Pipes constructed by any Local Board, and passing under or interfering with such Rivers, Canals, Docks, Harbours, or Basins, or the Towing Paths of such Rivers, Canals, Docks, Harbours, or Basins, and do all such Matters and Things as may be necessary for carrying into effect such taking up, Diversion, or Alteration.

Saving Clause for Rights of Millowners, &c.

CLXXX. No Power given by this Act shall be exercised in such Manner as to injuriously affect the Supply, Quality, or Fall of Water contained in any Reservoir or Stream, or any Feeders of such Reservoir or Stream, in Cases where any Company or Individual are entitled for their own Benefit to the Use of such Reservoir or Stream, or to the Supply of Water contained in such Feeders, for the Purpose of any Mills, Mines, Print Works, leach Works, or other Trade Purposes without the Consent in Writing of the Parties so entitled to the Use of such Reservoirs, Streams, and Feeders, and also of the Owners thereof, in Cases where the Owners and Parties so entitled are not the same Persons.

Existing Liabilities to make Sewers, &c. not to be discharged. 11 & 12 Vict. c. 63. s. 41.

CLXXXI. Notwithstanding the Adoption or Application of this Act by or to any District the Liability of any Person to defray or contribute towards the Expense of making, completing, altering, amending, or maintaining any Sewer, or any Walls or Works for protecting the Land against the Force or Encroachment of the Sea, or of paving or flagging or putting in order any Street or Road, or any

any Part thereof within the District, shall, if incurred previously to the Time when this Act is so adopted or applied, continue, and the same may be enforced, as if thisAct had not been passed, and the Rates to be levied under this Act shall be made only for Purposes to which such Liability does not extend.

Act not to affect Nuisances at Common Law.

CLXXXII. Nothing in this Act contained shall be construed to render lawful any Act or Omission on the Part of any Local Board or Person which is, or but for this Act would be, deemed to be a Nuisance at Common Law, nor to exempt any Local Board or Person guilty of Nuisance at Common Law from Prosecution or Action in respect thereof, nor from the Consequences upon being convicted thereof.

Clause Y. Saving Rights of Occupiers as to private Expenses.

CLXXXIII. In Cases where in pursuance of any Public Local Act of Parliament passed before this Act, the Occupier of any Premises in a Place is entitled to deduct from the Rent payable to his immediate Landlord the whole Amount paid by such Occupier in respect of such Expenses as are herein-before called Private Expenses, he may, notwithstanding that this Act is adopted wholly or partially in such Place, continue to make a like Deduction.

Clause Z. Saving Clause as to Metropolitan Roads.

CLXXXIV. Notwithstanding anything in this Act contained, it shall not be lawful for any Local Board to open or in any way disturb any of the public Roads or Footpaths under the Charge of the Commissioners of the Metropolitian Turnpike Roads North of the Thames (which Commissioners are herein-after called Turnpike Commissioners), and which Roads and Footpaths are herein-after called Metropolitan Roads, except upon the Conditions and subject to the Regulations herein-after contained; that is to say,

(1.) The Local Board shall leave at the Office of the Turnpike Commissioners Seven Days previous Notice containing full Particulars of any Works intended to be executed by them and affecting any of such Metropolitan Roads:

(2.) If the General Surveyor of the Turnpike Commissioners directs the Works to be on any particular Part of such Roads, the Local Board shall be bound to obey such Directions:

(3.) Except by the Permission of the Turnpike Commissioners, the Traffic of any of the Metropolitan Roads shall not at One Time be stopped or in any way hindered along more than Half of its Width, nor, if the Half left open is of less than the clear Width of Fourteen Feet, along more than One hundred Yards in Length, and no Alteration shall be made in the Inclination of any of the Metropolitan Roads of more than One Foot in Sixty Feet:

(4.) All Works shall be done under the Superintendence of the General Surveyor; and all such Precautions as he may direct for the Protection and Convenience of the Public shall be taken, by and at the Expense of the Party doing the Works, and in default the said General Surveyor shall cause to be done in that Behalf what he may think proper; and the Party doing the Works shall in all Cases of Damage occurring by reason of such Works, and whether such Precautions are or not taken, be answerable to the Person suffering such Damage, the Turnpike Commissioners being hereby absolved from all Liability in respect of the Consequences of such Works:

(5.) The Party doing the Works shall, as regards every Road opened or disturbed, restore the same to its original State as to Surface and Materials, and, in order to meet the future Expenses consequent upon the Subsidence of Materials newly filled in, shall pay to the Turnpike Commissioners, on Demand, such Sum as they may require for that Purpose, not exceeding One Shilling for every superficial Square Yard, and, so far as the Works affect the same, shall make good all Drainage, paving of Water Channels, Kerbs of Footpaths, and other Matters and Things connected with the Maintenance of the Metropolitan Roads, and in default the said General Surveyor may cause to be done in that Behalf what he may think fit; and in all Cases of Expense incurred by the said General Surveyor on the Default of the Party doing the Works, such Party shall pay such Expense to the Commissioners, on Demand.

Clause A a. Saving Clause as to Transfer of Powers.

CLXXXV. Notwithstanding anything in this Act contained, no Powers and Privileges vested in any Local Authority having Jurisdiction within any District constituted under the Public Health Act, 1848, by virtue of any Act passed since the said Public Health Act was passed, shall, upon the Adoption of this Act, either wholly or partially, by such District, be transferred to or vested in the Local Board of Health thereof.

Clause B b. Saving existing Debts.

CLXXXVI. All Debts incurred and Contracts and Engagements entered into by or to any Local Board previously to the Adoption of this Act, either wholly or partially, may be enforced, and all Powers vested in any Local Board of raising Money by Rates, Tolls, or other Means, for the Purpose of satisfying all such of the said Debts, Contracts, and Engagements as were incurred or entered into by such Local Board, may be exercised in the same Manner as if no such Adoption had taken place; and it shall be lawful for the Local Board,

if they think fit, to raise Money for satisfying such Debts, Contracts, and Engagements as last aforesaid by and out of any Property belonging to them, or by and out of any Rates, Tolls, or other Monies leviable by them under this Act, in the Stead of satisfying the same by and out of such Rates, Tolls, or other Means as are firstly herein-before mentioned.

Clause Cc. Local Board may levy a Highway Rate in certain Cases.

CLXXXVII. In Districts constituted in pursuance of the Public Health Act, 1848, the Local Board may, notwithstanding that they adopt the Provisions of this Act as to Streets and Roads, levy a Highway Rate, and pay the Expenses incurred by them in respect of such Streets and Roads out of such Rate, in Cases where such Board is at the Time of the passing of this Act empowered by any Local Act of Parliament to levy such Rate.

Clause Dd. Local Board may retain Power of purchasing Land.

CLXXXVIII. In such Districts as last aforesaid the Local Board may, notwithstanding that they adopt this Act, wholly or partially, put in force, in the same Manner as if this Act had not been passed, any of the Powers of the Lands Clauses Consolidation Act, 1845, in relation to the compulsory Purchase of Land, in Cases where they are authorized to put the same in force by any Act of Parliament passed previously to the passing of this Act.

Clause Ee. Provision as to Cellar Clauses.

CLXXXIX. In Districts constituted in pursuance of the Public Health Act 1848, the Provisions herein-before contained in relation to Cellars and underground Rooms shall come into operation immediately upon the Adoption of this Act, either wholly or partially.

PART VI.

Repeal of former Acts, and general Provisions.

Repeal.

Repeal of 17 & 18 Vict. c. 95.

CXC. The Act passed in the Eighteenth Year of the Reign of Her present Majesty, intituled "An Act to make better Provision for the Administration of the Laws relating to the Public Health," shall be repealed from the Date of the passing of this Act.

Provision as to Public Health Act, 1848.

CXCI. The Public Health Act, 1848, shall not, after the passing of this Act, be applied to any District.

Oxford and Cambridge.

Exception of Oxford and Cambridge. 11 & 12 Vict. c. 63. s. 31.

CXCII. Nothing herein contained with respect to the Constitution of Local Boards shall apply to the City of Oxford, or the Parts within the Jurisdiction of the Commissioners for amending certain Mileways leading to Oxford, and making Improvements in the University and City of Oxford, the Suburbs thereof, and the adjoining

Parish of Saint Clement (which Commissioners are herein-after called the Oxford Commissioners), to the Borough of Cambridge, or the Parts within the Jurisdiction of the Commissioners acting under an Act of the Thirty-fourth Year of the Reign of King George the Third, for amending and enlarging the Powers of a former Act of the same Reign, for the better paving, cleansing, and lighting the Town of Cambridge, for removing and preventing Obstructions and Annoyances, and for widening the Streets, Lanes, and other Passages within that Town (which Commissioners are herein-after called the Cambridge Commissioners).

Adoption of Act by Oxford.

CXCIII. The City of Oxford, together with the Parts within the Jurisdiction of the Oxford Commissioners, shall be deemed to constitute One Town within the Provisions of this Act, and the Oxford Commissioners shall be deemed to be a Board of Improvement Commissioners authorized to adopt this Act; and if this Act is adopted, either wholly or partially, by such Board, the District so formed shall be called the Oxford District.

Adoption of Act by Cambridge.

CXCIV. The City of Cambridge, together with the Parts within the Jurisdiction of the Cambridge Commissioners, shall be deemed to constitute One Town within the Provisions of this Act, and the Cambridge Commissioners shall be deemed to be a Board of Improvement Commissioners authorized to adopt this Act; and if this Act is adopted, either wholly or partially, by such Board, the District so formed shall be called the Cambridge District.

Local Board of Oxford District.

CXCV. The Local Board of the Oxford District shall consist of the Mayor of Oxford and the Vice-Chancellor of the University of Oxford, and of Forty-five Commissioners; Fifteen to be elected by the University of Oxford, Fifteen by the Town Council of Oxford, and Fourteen by the Ratepayers of the Parishes situate within the Jurisdiction of the Oxford Commissioners; and the Election of such Commissioners shall be conducted in the same Way and subject to the same Regulations in and subject to which the Members constituting the Body of Oxford Commissioners are now respectively chosen by such University, Town Council, and Ratepayers.

Local Board of Cambridge District. 11 & 12 Vict. c. 63. s. 31.

CXCVI. The Cambridge Commissioners for the Time shall be the Local Board of Health of the Cambridge District.

Quota of Rates to be paid by the Universities, &c. 11 & 12 Vict. c. 63 s. 105.

CXCVII. Nothing in this Act shall be deemed to alter or interfere with the Liability of the Universities of Oxford and Cambridge respectively to contribute in the Proportion and Manner specified in any Local Act under which the Oxford and Cambridge Commissioners respectively are at the Time of the passing of this Act acting, towards the Expense of paving and pitching, repairing, lighting, and cleansing, under the Powers of

any

any such Local Act, the several Streets, Lanes, Ways, Alleys, Passages, and Places within the Jurisdiction of such Commissioners respectively; and in case any Difference arises between either of the said Universities and the Local Board of Health with respect to the Proportion and Manner in which the University ought to contribute towards any Expenses under this Act, and to which the University is not liable under any such Local Act, the same shall be settled by Arbitration in manner provided by this Act; and all Rates, Contributions, and Sums of Money which may become payable under this Act by the said Universities respectively, and their respective Halls and Colleges, may be recovered from such Universities, Halls, and Colleges, in the same Manner in all respects as Rates, Contributions, and Sums of Money may now be recovered from them by virtue of any Local Act.

CLAUSE F f. Power for Local Boards to divide Districts into Wards.

CXCVIII. In Districts constituted in pursuance of the Public Health Act, 1848, the Local Board may, for the Purpose of electing Members of such Board, whether this Act is or not adopted by them, with the Consent of the General Board, divide their District into Wards, and determine what Number of Members may be elected by each Ward, and the Rotation in which such Members are to vacate their Offices, and all other Matters requisite for carrying into effect the Objects of this Section.

CLAUSE G g. General Board may extend borrowing Powers of Local Boards in certain Cases.

CXCIX. Where in any District constituted in pursuance of the Public Health Act, 1848, the Local Board of such District have exercised any Powers vested in them of supplying Water or of making Sewers, the General Board may empower such Local Board, whether or not they adopt this Act, wholly or partially, to borrow, on the Credit of any Rates or Charges leviable by them either under the said Public Health Act or this Act, any Sums of Money not exceeding in the whole the assessable Value for Two Years of the Premises assessable within the District in respect of which Sum Money may be borrowed.

CLAUSE H h. Power to fill up casual Vacancies.

CC. In any District constituted in pursuance of the said Public Health Act, 1848, whether this Act is adopted or not in such District, any casual Vacancy occurring by Death, Resignation, Disqualification, or otherwise, in the Local Board, may be filled up by the Local Board out of qualified Persons, but the Member so chosen shall retain his Office so long only as the vacating Member would have retained the same if no Vacancy had occured.

CLAUSE I i. Application of Act.

CCI. This Act shall not, with the Exception of the First and Sixth Parts, extend to any Place by or to which the same has not been adopted or applied, either wholly or partially.

SCHEDULE.

Form A.

Voting Paper.

Are you, or not, in favour of adopting	Affirmative.	Negative.
The Public Health Act, 1855; or,	Yes. *J. S.*	
The Public Health Act, 1855, with the Exception of the Provisions relating to Officers; or,		No. *J. S.*
The Public Health Act, 1855, with the Exception of the Provision with respect to Works contained in the Towns Improvement Clauses Act, 1847.		

John Smith,
of

N.B.—The Ratepayer will put "Yes" or "No" opposite the Resolution in respect of which he votes, and will add his Initials. He is also required to subscribe his Name and Address at full Length. This Paper will be collected on the of between the Hours of and

Take Notice.—"If any Person wilfully commits any of the Acts following, that is to say, fabricates, in whole or in part, alters, defaces, destroys, abstracts, or purloins any Voting Paper, or personates any Person entitled to vote in pursuance of the Public Health Act, 1855, or falsely assumes to act in the Name or on the Behalf of any Person so entitled to vote, or interrupts the Distribution of any Voting Papers, or distributes the same under a false Pretence of being lawfully authorized so to do, he shall for every such Offence be liable, on Conviction before Two Justices, to be imprisoned in the Common Gaol or House of Correction for any Period not exceeding Three Months, with or without Hard Labour."—(*Public Health Act*, 1855, Section .)

FORM B.

Voting Paper

The following Candidates are nominated as Members of the Local Board, that is to say,—

John Brown, of	in the County of	Yes. *T. E.*
John Smith, of	in the County of	
John Jones, of	in the County of	Yes. *T. E.*
John Robinson, of	in the County of	Yes. *T. E.*

Thomas Evans,
of , in the County of

N.B.—The Ratepayer can vote for candidates. He will put "Yes," opposite the Name of the Person for whom he votes, and will add his Initials. He is also required to subscribe his Name and Address at full Length. This Paper will be collected on the Day of , between the Hours of and .

TAKE NOTICE.—"If any Person wilfully commits any of the Acts following, that is to say, fabricates, in whole or in part, alters, defaces, destroys, abstracts, or purloins any Voting Paper, or personates any Person entitled to vote in pursuance of the Public Health Act, 1855, or falsely assumes to act in the Name or on the Behalf of any Person so entitled to vote, or interrupts the Distribution of any Voting Papers, or distributes the same under a false Pretence of being lawfully authorized so to do, he shall for every such Offence be liable, on Conviction before Two Justices, to be imprisoned in the Common Gaol or House of Correction for any Period not exceeding Three Months, with or without Hard Labour."—(*Public Health Act*, 1855, Section .)

The Public Health Bill, 1855.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE AND ON RE-COMMITMENT]

To alter and amend "The Public Health Act, 1848."

(*Prepared and brought in by Sir Benjamin Hall and Viscount Palmerston.*)

Ordered, by The House of Commons, *to be Printed*, 17 *July* 1855.

[Bill 253.]

Under 11 *oz.*

31 *July* 1855. 18 & 19 Vict.

A

BILL

TO

Continue and amend the Public Health Act (1854).

WHEREAS by the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Ninety-five, "to make better Provision for the Administration of the Laws relating to the Public Health," a Board was constituted, to be called "The General Board of Health," and it was thereby provided that the said Board should be continued for One Year next after the Day of the passing of that Act, and thenceforth until the End of the then next Session of Parliament, and by the said Act the said Board were authorized to appoint a Secretary and Assistant Secretary, and such Clerks and Officers of the Board, and also so many Superintending Inspectors under such Board, as the Commissioners of Her Majesty's Treasury might think fit, every Person so appointed to be removable at the Pleasure of the said Board: And whereas it is expedient that the said Board should be continued, and should have Power to appoint a Medical Council and a Medical Officer: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

General Board to be continued for One Year, and to the End of the then next Session of Parliament.

I. On the *passing of this Act*, so much of the said Act as limits the Duration of the Board of Health shall be repealed, and the said Board shall be continued for *One Year* next after the Day of the passing of this Act, and thenceforth until the End of the then next Session of Parliament, and no longer.

Power to General Board to appoint Medical Council and Medical Officer.

II. The said Board may appoint a Medical Council, consisting of such Number of Persons as the said Board, with the Consent of the Commissioners of Her Majesty's Treasury, may deem expedient, and may appoint a Medical Officer, and may assign to such Council and Medical Officer such Duties as the Board may think fit; they may remove any Member of such Council, or such Officer, and appoint another Person in his Stead; and they may diminish, or, with the Consent of the Commissioners of Her Majesty's Treasury, increase, the Number of such Council.

Treasury to fix Salaries.

III. There shall be paid to the Members of the said Medical Council and to the said Medical Officer such Fees or Salaries as may from Time to Time be appointed by the Commissioners of Her Majesty's Treasury; and in the Case of such Medical Officer there may be allowed, in addition to his Salary, such reasonable travelling and other Expenses as may be incurred by him in the Performance of the Duties of his Office.

Salaries, &c., to be paid out of Monies to be provided by Parliament.

IV. All Fees and Salaries payable under this Act, and all incidental Expenses of the said General Board, shall be paid out of such Monies as shall be provided by Parliament.

Short Title of Act.

V. This Act may be cited for all Purposes as "The General Board of Health Continuance Act, 1855."

Public Health Act (1854) Continuance and Amendment.

A

B I L L

To continue and amend the Public Health Act (1854).

(*Prepared and brought in by Sir Benjamin Hall and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed,* 31 *July* 1855.

Under 1 *oz.*

[Bill 281.]

A

BILL

TO

Confirm Provisional Orders of the General Board of Health, applying the Public Health Act (1848) to the Districts of Middlesbrough, Windhill, Christchurch, Warley, Tunstall, and Toxteth Park, and for Alteration of the Boundaries of the District of Romford.

WHEREAS the General Board of Health have, in pursuance of the Public Health Act, 1848, made, published, and deposited, according to the Provisions of that Act, certain Provisional Orders in the Schedule to this Act contained; and it is expedient that the said Orders should be confirmed, and further Provisions made in relation thereto: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That— Preamble.

I. The Provisional Orders of the General Board of Health contained in the Schedule hereunto annexed shall, from and after the Certain Provisional Orders of the General

Board of Health confirmed.

the *passing of this Act*, so for as the same are authorized by the said Public Health Act, be absolute, and be as binding and of the like Force and Effect as if the Provisions of the same had been expressly enacted in this Act.

Limitation of Rates to be levied in the Borough of Middlesbrough.

II. Provided always, That the Rates leviable within the Borough of Middlesbrough as constituted by the Provisional Order in the Schedule to this Act, under the Public Health Act, 1848, whether for the Purposes of the said last-mentioned Act, or for the Purposes of so much of the Local Act in the said Order mentioned or referred to as remains unrepealed by the said Provisional Order, shall not exceed in any One Year the Sum of *Four Shillings* in the Pound upon the net annual Value of Property assessable thereto within such Borough, except Property consisting of Land used as Arable, Meadow, or Pasture Ground only, or as Woodland, Market Gardens, or Nursery Grounds, Land covered with Water, or used only as a Canal or Towing-path for the same, or as a Railway constructed under the Powers of any Act of Parliament for public Conveyance; and as to such excepted Property, the Rates so leviable shall not in any One Year exceed in the whole the Sum of *Ninepence* in the Pound upon the net annual Value of such excepted Property.

First Election of Local Board of Windhill.

III. The First Election of the Local Board of Health for the District of Windhill, for the Purposes of the said Public Health Act, shall take place on the Twentieth Day of September in the Year of our Lord One thousand eight hundred and fifty-five.

First Election of Local Board of Christchurch.

IV. The First Election of the Local Board of Health for the District of Christchurch, for the Purposes of the said Public Health Act, shall take place on the Twentieth Day of September in the Year of our Lord One thousand eight hundred and fifty-five.

First Election of Local Board of Sowerby Bridge.

V. The First Election of the Local Board of Health for the District of Sowerby Bridge, for the Purposes of the said Public Health Act, shall take place on the Twentieth Day of September in the Year of our Lord One thousand eight hundred and fifty-five.

First Election of Local Board of Tunstall.

VI. The First Election of the Local Board of Health for the District of Tunstall, for the Purposes of the said Public Health Act, shall take place on the Twentieth Day of September in the Year of our Lord One thousand eight hundred and fifty-five.

Act incorporated with Public Health Act.

VII. This Act shall be deemed to be incorporated with the Public Health Act, and shall be as if this Act and the Public Health Act were One Act.

VIII. In

VIII. In citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The Public Health Supplemental Act, 1855." Short Title.

SCHEDULE to which this Act refers.

MIDDLESBROUGH.

Provisional Order for the application of the Public Health Act to the Borough of Middlesbrough, in the North Riding of the County of York.

General Board of Health.

Whereas, upon the petition of not less than one tenth of the inhabitants rated to the relief of the Poor of and within the Borough of Middlesbrough, in the North Riding of the County of York, and within the boundaries of the said borough, as fixed for the purposes of an Act passed in the sixth year of the reign of King William the Fourth, intituled "An Act to provide for the regu- "lation of Municipal Corporations in England and Wales," We, the General Board of Health, appointed for the purposes of the Public Health Act, 1848, have, in pursuance of the provisions of that Act, directed William Ranger, a Superintending Inspector, appointed for the purposes of the said Act, to visit the said Borough, within and throughout the said boundaries, and to make public inquiry, and to examine witnesses as to the sewerage, drainage, and supply of water, the state of the burial grounds, the number and sanitary condition of the inhabitants, and as to any Local Acts of Parliament in force within the said Borough, for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said Borough, or having relation to the purposes of the said Act; also as to the natural drainage areas, and the existing municipal, parochial, or other local boundaries, and the boundaries which might be most advantageously adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, having previously given the notices directed by the said Act, proceeded upon the said inquiry, and hath reported in writing to the said General Board upon the several matters with respect to which he was directed to inquire, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of that Act.

And whereas copies of the said Report, accompanied by a notice, stating that written statements might be forwarded to the said Board with respect to any matter contained in or omittted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as directed by the said Public Health Act, and the time for forwarding such statements has now elapsed, and all such statements as have been received by the said Board have been duly deposited as required by that Act.

And whereas it appears upon such Report that there is a certain Local Act of Parliament in force within the said Borough, having relation to the purposes of the said Public Health Act; (that is to say,) An Act passed in the fourth and fifth years of the reign of Queen Victoria, intituled "An Act for paving, "lighting, watching, cleansing, and otherwise improving the Town of Middles- "brough, and the neighbourhood thereof, in the North Riding of the County "of York, and for establishing a market therein."

And

And whereas it appears to the said General Board of Health to be expedient that the said Public Health Act, except as herein-after mentioned, should be applied to the said Borough; and that provision should be made with respect to the said Local Act of Parliament, and the partial repeal, alteration, extension, and further execution thereof; but the same cannot be done without the authority of Parliament.

Now therefore, in pursuance of the power vested in the said Board by the Public Health Act, 1848, the said General Board of Health do, by this Provisional Order under my hand and seal of office, direct:—

That from and after the passing of any Act of Parliament confirming this Order,—

1.—In the construction of this Order, the same meanings shall be assigned to certain expressions which are assigned to them by the section numbered 2 in the copies of "The Public Health Act, 1848," printed by Her Majesty's printers, unless such meanings be repugnant to or inconsistent with the context or subject matter in which such expressions occur.

2.—"The Public Health Act, 1848," and every part thereof relating to corporate districts, except the section numbered 95 in the copies of that Act printed by Her Majesty's printers, shall apply to the area comprised within the boundaries of the said Borough of Middlesbrough, as defined in the Charter of Incorporation of the said Borough.

3.—The Mayor, Aldermen, and Burgesses of the said Borough shall be, by the Council of the said Borough, the Local Board of Health under the said Public Health Act.

4.—Such parts of the said Local Act as are specified in the Schedule to this Order shall be repealed, except in so far as relates to anything done before the passing of any Act of Parliament confirming this Order, and except in so far as the same repeal any other Act or Acts of Parliament.

5.—The powers, authorities, and duties of the Commissioners for the time being, acting in execution of the said Local Act, shall cease; and such of them as are granted or imposed by the unrepealed parts of the said Local Act shall, so far as they are not repugnant to, or inconsistent with, the said Public Health Act, or this Order, or any byelaw which shall be lawfully made under the said Public Health Act, be transferred to the said Local Board of Health, and the officers and servants of the said Local Board, and shall be exercised as if they had been granted or imposed by the said Public Health Act, and for this purpose the unrepealed parts of the said Local Act shall be incorporated with the said Public Health Act as applied to the said Borough, and all places within the Limits of the said Borough shall be subject to the unrepealed parts of the said Local Act.

6.—The said Local Board shall be the Commissioners for executing the unrepealed parts of the said Local Act.

7.—All property and estate of the Commissioners acting in the execution of the said Local Act shall be transferred to the said Local Board of Health, and shall, as near as circumstances will permit, be held by the said Local Board of Health upon the same trusts, and for the same purposes, as by such Commissioners.

8.—All debts, monies, and securities for money contracted or payable by such Commissioners, shall be satisfied by the said Local Board out of such

parts of the said transferred property and estate as would have been chargeable therewith, if this Order had not been made; and shall be paid and satisfied by the said Local Board, as by such Commissioners.

9.—Provided always, that if such property and estate be insufficient for that purpose, the deficiency shall be charged upon the rates leviable under the said Public Health Act, in the parts only which would have been chargeable with such deficiency if this Order had not been made.

10.—Provided also, that if such property and estate be more than sufficient, the surplus shall be applied to the exclusive use of the same parts and to the same purposes as it would have been if this Order had not been made.

11.—All expenses which shall be incurred by the said Local Board of Health under the unrepealed parts of the said Local Act, and which shall not be defrayed out of monies arising under such Local Acts, shall be deemed to be expenses incurred by such Board under the said Public Health Act, and shall be defrayed out of the rates under that Act (as the nature of the case may require); and the monies necessary to be raised for the purposes of such Local Act may be raised as under the said Public Health Act.

12.—Provided always, that this Order, and the repeal of the parts of the said Local Act mentioned in the Schedule thereto, shall not prejudicially affect anything done under that Act before the passing of any Act of Parliament confirming this Order; but notwithstanding this Order, and the Schedule thereto, all such things shall be as valid with reference to the said Local Board of Health, as if the same had been done with reference to that Board, and may be dealt with in the same manner, in all respects, as if they related to that Board, instead of such Commissioners.

13.—Provided also, that this Order, and the repeal of the parts of the said Local Act mentioned in the Schedule thereto, shall be without prejudice to any penalties incurred under the said Local Act, but all such penalties may be recovered by the said Local Board of Health according to the provisions of this Order.

Given under my Hand and under the Seal of the General Board of Health, this Eighteenth day of July, in the Year of our Lord One thousand eight hundred and fifty-five.

(L.S.) (Signed) B. Hall.

Schedule to which this Order refers.

The parts of the said Local Act referred to in this Order to be repealed are as follows; (that is to say,)

The sections numbered respectively in the copies of the said Act printed by the Queen's printers 1 to 88, 111 to 114, 238 to 250, 252 to 281, all inclusive, and 283.

And so much of any unrepealed part of the said Act as fixes the amount of any penalty for any offence under the said Act, wherever the penalty for such offence shall have been fixed by the Public Health Act, 1848, or by any byelaw of the Local Board of Health, made under and by virtue of the said Public Health Act, at an amount other than that fixed by the said first-mentioned Act.

WINDHILL.

Provisional Order for the Application of the Public Health Act to the District of Windhill, in the County of York.

GENERAL BOARD OF HEALTH.

WHEREAS it having been ascertained from the last return for the time being made up by the Registrar General of Births, Deaths, and Marriages, that the annual number of deaths within the boundaries of the Township of Idle, in the West Riding of the County of York, has on the average of seven years exceeded the proportion of twenty-three to a thousand of the population of such Township, the General Board of Health directed William Ranger, one of their Superintending Inspectors, to visit the said Township, and to make public inquiry, and to examine witnesses as to the sewerage, drainage, and supply of water, the state of the burial grounds, the number and sanitary condition of the inhabitants, and as to any Local Acts of Parliament in force within the said Township for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said Township, or having relation to the purposes of the said Act; also, as to the natural drainage areas, and the existing parochial or other local boundaries, and the boundaries which might be most advantageously adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, having previously given the notices required by the said Act, proceeded upon the said inquiry in the manner directed by the said Act, and hath reported in writing to the said General Board upon the several matters with respect to which he was so directed to inquire as aforesaid, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of the said Act.

And whereas copies of the said Report, accompanied by a notice, stating that, within the time directed by the said Act, written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act, and the time for forwarding such statements has now elapsed, and all such statements as have been received by the said Board have been duly deposited as required by that Act.

And whereas it having appeared to the said General Board that the boundaries which might be most advantageously adopted for the purposes of the Act were not the same as those of the said township with respect to which the said inquiry had been made, the said Board caused the said William Ranger to visit the parts within the boundaries proposed to be adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, after having given such notice as is required by the said Act, did hear all persons desirous of being heard before him on the subject of the said Report, and did make further inquiry and report according to the directions of the said Board.

And whereas copies of such further Report, accompanied by a notice stating that, within the time directed by the said Act, written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said last-mentioned Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act, and the time for forwarding such statements has now elapsed; and all such

statements as have been received by the said Board have been duly deposited as required by that Act.

And whereas it appears to the said General Board to be expedient that the said Public Health Act, except as herein-after mentioned, should be applied to so much of the said township of Idle as is included within the boundaries described in the Schedule to this Order, and being the same within which the said inquiry and further inquiry have been made; but the same cannot be done without the authority of Parliament.

Now, therefore, in pursuance of the powers vested in the said Board by the Public Health Act, 1848, We, the said General Board of Health, do, by this Provisional Order under my hand and seal of office, direct:—

That from and after the passing of any Act of Parliament confirming the present Order,—

1. The Public Health Act, except the Section numbered 50 in the copies of that Act printed by Her Majesty's printers, shall apply to so much of the said township of Idle as is described in the Schedule to this Order annexed, and the said district shall be called the district of Windhill.

2.—The Local Board of Health for the said district shall consist of nine persons, and the entire number shall be elected for the whole of the said district.

3.—One third in number of the persons so elected shall go out of office on the twenty-fifth day of March in each year subsequent to that of the first election of the said Local Board.

4.—Every person shall, at the time of his election as member of the said Local Board, and so long as he shall continue in office by virtue of such election, be resident, as in the Public Health Act, 1848, is required, and be seised or possessed of real or personal estate, or both, to the value or amount of not less than three hundred pounds, or shall be so resident and rated to the relief of the poor of some parish, township, or place of which some part is within the said district, upon an annual value of not less than ten pounds.

5.—At the first election of the said Local Board, Thomas Crabtree, of Windhill aforesaid, worsted spinner and manufacturer, shall have the powers and perform the duties which it may be requisite for him to perform in conducting the said first election; and in case the said Thomas Crabtree, from illness or other sufficient cause, shall be unable to discharge such duties, or shall be absent, or shall refuse to act, then William Thomas, of Windhill aforesaid, cloth manufacturer, shall perform such of those duties as then remain to be exercised or performed.

6.—The fourteen days notice of qualification required by the Public Health Act, 1848, to be given by owners of property in order to entitle them to vote at the said first election, shall be given to the said Thomas Crabtree, at his manufactory, in Windhill aforesaid, or in case he shall refuse or be unable to receive the same, then to the said William Thomas, at his residence, within the aforesaid district.

Given under my Hand and under the Seal of the General Board of Health, this Thirty-first day of July, in the year of our Lord One thousand eight hundred and fifty-five.

(L.S.) (Signed) B. Hall.

Schedule to which this Order refers.

The following is the description of the boundary of the district of Windhill referred to in the above Order:

The boundary of the district of Windhill, in the township of Idle, in the county of York, commencing at the centre of the Bradford Brook, then runs along a fence forming the northern boundary of a field marked No. 85, and belonging to Thomas Crabtree, Esq.; then across the towing-path of the Bradford and Shipley Canal, marked No. 81, and belonging to the Bradford Canal Company; then across the Bradford and Shipley Canal, and belonging to the Bradford Canal Company; then along a fence forming the northern boundary of a garden marked No. 73, and belonging to Mr. James Sugden; then along a fence forming the northern boundary of a field marked No. 71, and belonging to John Whitley, Esq.; then across an occupation road up to and along a fence forming the northern boundary of a field marked No. 62, and belonging to the trustees of Joseph Hobson; then along a fence forming the northern boundary of a field marked No. 31, and belonging to Mr. Isaac Wilcock; then along a line of fence forming the northern boundary of a field marked No. 61, and belonging to Mrs. Whitelock; then along the fence forming the northern boundary of a field marked No. 60, and belonging to the Earl of Rosse; then across and along the eastern side of a highway to a point in the fence forming the western side of a field marked No. 346, and belonging to Mrs. Mary Rycroft; then along a fence forming the northern boundary of the last-named field marked No. 346, and belonging to the said Mrs. Mary Rycroft; then along a fence forming the northern boundary of a field marked 340, and belonging to John Whitley, Esq.; then along a fence forming the northern boundary of a field marked No. 360, and belonging to Mr. William Hodgson; then along a line of fence forming the northern boundary of a field marked No. 367, and belonging to C. H. Dawson, Esq.; then to a point opposite the northern side of a highway, and along a line of fence, forming the northern boundary of a field marked No. 412, and belonging to Mr. John Clark; then along the northern side of a road to a line of fence forming the northern boundary of a field marked No. 300, and belonging to Mr. Wright; then along a line of fence forming the northern boundary of a field marked No. 660, and belonging to the Rev. Mr. Edmonson; then along a line of fence forming the northern side of the fields marked Nos. 661 and 662, and belonging to C. H. Dawson, Esq.; then along a line of fence forming the southern sides of the fields marked Nos. 663 and 670, and belonging to C. H. Dawson, Esq.; then across a highway to a point opposite the southern side of a cross road; then along the northern side of a road to a corner of the fence forming the south and west sides of the fields marked Nos. 267 and 268, and belonging to the Earl of Rosse; then along a line forming the southern side of the Leeds and Bradford Railway, to a point in the centre of the Bradford Brook; then along the centre of the said brook to the first-named point. The figures herein-before cited in the description of the said boundary refer to those on the plan of Windhill prefixed to the second report on Idle made by Mr. Ranger to the General Board of Health, and dated 4th February 1854.

CHRISTCHURCH.

Provisional Order for the application of the Public Health Act, 1848, *to the District of Christchurch, in the County of Monmouth.*

General Board of Health.

Whereas in pursuance of the Public Health Act, 1848, the General Board of Health, appointed for the purposes of the said Act, upon the joint petition of not less than one tenth of the inhabitants rated to the relief of the poor of and within the Parish of Christchurch, in the County of Monmouth, (the number of the said petitioners exceeding thirty in the whole,) directed Thomas Webster Rammell, a Superintending Inspector, appointed for the purposes of the said Act, to visit the said Parish, and to make public inquiry, and to examine witnesses as to the sewerage, drainage, and supply of water, the state of the burial-grounds, the number and sanitary condition of the inhabitants, and as to any Local Acts of Parliament in force within the said Parish for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said Parish, or having relation to the purposes of the said Act; also, as to the natural drainage areas, and the existing parochial or other local boundaries, and the boundaries which might be most advantageously adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, having previously given the notices required by the said Act, proceeded upon the said inquiry in the manner directed by the said Act, and hath reported in writing to the said General Board upon the several matters with respect to which he was so directed to inquire as aforesaid, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of the said Act.

And whereas copies of the said Report, accompanied by a notice stating that within the time directed by the said Act written statements might be forwarded to the said Board, with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act, and the time for forwarding such statements has now elapsed, and no such statements have been received by the said Board.

And whereas it having appeared to the said General Board that the boundaries which might be most advantageously adopted for the purposes of the said Act were not the same as those of the said Parish with respect to which the said inquiry had been made, the said Board caused Alfred Lamerte Dickens, another of the Superintending Inspectors appointed for the purposes of the said Act, to visit the parts within the boundaries proposed to be adopted for the purposes of the said Act.

And whereas the said last herein-before named Superintending Inspector, after having given such notice as is required by the said Act, did hear all persons desirous of being heard before him on the subject of the said Report, and of the boundaries proposed to be adopted for the purposes of the said Act; and did make further inquiry, and report according to the directions of the said Board.

And whereas copies of such further Report, accompanied by a notice stating that within the time directed by the said Act written statements might be forwarded to the said Board with respect to any matter contained in or omitted

omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act; and the time for forwarding such statements has now elapsed, and no such statements have been received by the said Board.

And whereas it appears to the said General Board to be expedient that the said Public Health Act, except as herein-after mentioned, should be applied to the Parish of Christchurch, that is to say, within the same boundaries as those within and with respect to which the said inquiry and further inquiry have been made; but the same cannot be done without the authority of Parliament.

Now therefore, in pursuance of the powers vested in the said Board by the Public Health Act, 1848, the said General Board of Health do, by this Provisional Order, under my hand and official seal, order and direct, That from and after the day appointed for the first election of the Local Board of Health by any Act of Parliament confirming this Order,—

1.—The Public Health Act, 1848, and every part thereof, except the Section numbered 50 in the copies of that Act printed by Her Majesty's Printers, shall apply to and be in force within and throughout the entire area, places, and parts of places comprised within the boundaries set forth and described in the Schedule to this Order annexed, and shown by the red line on the map accompanying Mr. Rammell's printed Report to the General Board of Health, bearing date the 5th April 1854, being the parts within which the said inquiry and further inquiry have been made, and that such area, places, and parts of places shall be and constitute a district, for the purposes of the said Public Health Act, called the Christchurch District.

2.—That the Local Board of Health, to be elected under the said Public Health Act, shall consist of nine persons, to be elected for the whole of the said District.

3.—That one third in number of the said Local Board shall go out of office on the Thirty-first day of March in each year subsequent to that in which the first election of the said Local Board takes place.

4.—That every person shall, at the time of his election as member of the said Local Board, and so long as he shall continue in office, by virtue of such election, be resident, as in the Public Health Act, 1848, is required, and be seised and possessed of real or personal estate, or both, to the value or amount of not less than seven hundred pounds, or shall be so resident and rated to the relief of the poor of the said parish, or of some township or place of which some part is within the said District, upon an annual value of not less than twenty pounds.

5.—That at the first election of the said Local Board, Thomas Morgan Llewellin, of Newport, shall have the powers and perform the duties vested in or imposed upon the chairman of the Local Board of Health by the Public Health Act, 1848, in relation to any election by owners of property and ratepayers, and shall perform all other duties which it may be requisite for him to perform in conducting and completing the said first election; and in case the said Thomas Morgan Llewellin, from illness or other sufficient cause, shall be unable to exercise or discharge such powers or duties, or shall be absent, or shall refuse to act, then William Graham, Land Agent, of Maindee, shall exercise and perform such of the said powers and duties as then remain to be

exercised or performed; and the said chairman may be elected a member of the said Local Board.

6.—That the fourteen days notice of qualification required by the Public Health Act, 1848, to be given by owners of property in order to entitle them to vote at the said first election shall be given to the said Thomas Morgan Llewellin at Mr. William Graham's residence, Gore House, Maindee; or in case he shall refuse or be unable to receive the same, then to the said William Graham, at his residence, Gore House aforesaid.

Given under my Hand and under the Seal of the General Board of Health, this Thirty-first day of July, in the year of our Lord One thousand eight hundred and fifty-five.

(L.S.) (Signed) B. HALL.

Schedule to which this Order refers.

THE boundary of the District of the Christchurch Local Board of Health, referred to in the preceding Order, commences at a point where the boundary of the district of the Newport Local Board of Health intersects the southern side of the Old Christchurch Road, thence proceeds easterly along the southern boundary of such road until it reaches a fence dividing the properties of Messrs. Edward Locke and James Rennie; thence it continues in a south-westerly direction along that fence dividing the properties of James Rennie on the south-east from the properties of Edward Locke, William Evans, Henry Farr, and William Graham, until it reaches the turnpike road leading from Newport to Chepstow; thence it turns in a north-westerly direction along the northern side of that road as far as a stream of water known as Eve's Well Stream. It then follows the course of that stream in a southerly direction, crossing the line of the South Wales Railway, until it reaches the northern angle of a field belonging to Sir Thomas Phillips, numbered in the tithe map 978. It then follows the northern boundary of Sir Thomas Phillips's land until it intersects the district of the Newport Local Board of Health, and continues in a northerly direction along the boundary of such district to the point first named.

WARLEY.

Provisional Order for the Application of the Public Health Act to the District of Warley, in the County of York.

GENERAL BOARD OF HEALTH.

WHEREAS the General Board of Health have, upon the joint petition of not less than one tenth of the inhabitants rated to the relief of the poor of and within the township of Warley, in the county of York, (the number of the said petitioners exceeding thirty in the whole,) directed William Ranger, one of their Superintending Inspectors, to visit the said township, and to make public inquiry and to examine witnesses as to the sewerage, drainage, and supply of water, the state of the burial grounds, the number and sanitary condition of the inhabitants, and as to any Local Acts of Parliament in force within

within the said township for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said township, or having relation to the purposes of the said Act; also as to the natural drainage areas, and the existing parochial or other local boundaries, and the boundaries which might be most advantageously adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, having previously given the notices required by the said Act, proceeded upon the said inquiry in the manner directed by the said Act, and hath reported in writing to the said General Board upon the several matters with respect to which he was so directed to inquire as aforesaid, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of the said Act.

And whereas copies of the said Report, accompanied by a notice, stating that, within the time directed by the said Act, written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act, and the time for forwarding such statements has now elapsed; and all such statements as have been received by the said Board have been duly deposited as required by that Act.

And whereas it having appeared to the said General Board that the boundaries which might be most advantageously adopted for the purposes of the Act were not the same as those of the said township with respect to which the said inquiry had been made, the said Board caused the said William Ranger to visit the parts within the boundaries proposed to be adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, after having given such notice as is required by the said Act, did hear all persons desirous of being heard before him on the subject of the said Report, and did make further inquiry and report according to the directions of the said Board.

And whereas copies of such further Report, accompanied by a notice stating that, within the time directed by the said Act, written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said last-mentioned Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act, and the time for forwarding such statements has now elapsed; and all such statements as have been received by the said Board have been duly deposited as required by that Act.

And whereas it appears to the said General Board to be expedient that the said Public Health Act, except as herein-after mentioned, should be applied to so much of the said township of Warley as is included within the boundary described in the Schedule to this Order, being the same as the boundary marked by a pink line on the map accompanying the said further Report of the said William Ranger, and being the same within which the said inquiry and further inquiry have been made; but the same cannot be done without the authority of Parliament.

Now, therefore, in pursuance of the powers vested in the said Board by the Public Health Act, 1848, We, the said General Board of Health, do, by this Provisional Order, under the hand of the President and the official seal of the Board, direct:—

That, from and after the passing of any Act of Parliament confirming the present Order,—

1.—The Public Health Act, except the Section numbered 50 in the copies of that Act printed by Her Majesty's Printers, shall apply to so much of the said township of Warley as is comprised within the pink line on the plan annexed to the said further Report, referred to on that plan as "the boundary of the proposed district," and described in the Schedule to this Order annexed, and that the said district shall be called the Sowerby Bridge district.

2.—The Local Board of Health for the said district shall consist of twelve persons, and the entire number shall be elected for the whole of the said district.

3.—One third in number of the persons so elected shall go out of office on the Thirty-first day of March in each year subsequent to that of the first election of the said Local Board.

4.—Every person shall, at the time of his election as member of the said Local Board, and so long as he shall continue in office by virtue of such election, be resident, as in the Public Health Act, 1848, is required, and be seised and possessed of real or personal estate, or both, to the value or amount of not less than one thousand pounds, or shall be so resident and rated to the relief of the poor of some parish, township, or place of which some part is within the said district, upon an annual value of not less than thirty pounds.

5.—At the first election of the said Local Board, Thomas Nicholl, Esquire, of Halifax, shall have the powers and perform the duties which it may be requisite for him to perform in conducting the said first election; and in case the said Thomas Nicholl, from illness or other sufficient cause, shall be unable to discharge such duties, or shall be absent, or shall refuse to act, then Thomas Wood, Esquire, of Hollins in Warley, shall perform such of those duties as then remain to be exercised or performed.

6.—The fourteen days notice of qualification required by the Public Health Act, 1848, to be given by owners of property in order to entitle them to vote at the said first election shall be given to the said Thomas Nicholl, at the house of Mr. Thomas Sutcliffe, of Sowerby Bridge, grocer, or, in case he shall refuse or be unable to receive the same, then to the said Thomas Wood, at his house in Hollins in Warley.

Given under my Hand and under the Seal of the General Board of Health, this Thirtieth day of July, in the year of our Lord One thousand eight hundred and fifty-five.

(L.S.) (Signed) B. Hall.

Schedule.

The following is the description of the boundary of the district of Warley referred to in the above Order:—

Commencing on the Skircoat side of Mearclough or Mearclough Bottom Bridge up and including the road to Clap Lane Bar; from thence up what was lately known as Clap Lane to the park wall of Henry Edwards, Esquire; along the under side of the said park wall on what was lately called Crow Wood Lane to the bottom of Pye Nest Walk; from thence to and on the back of Crow Wood House, including the wood or plantation attached thereto, to and including Upper Broad Gates; from thence up the east side of the Blackstone Edge

Edge turnpike road leading from Rochdale to Halifax, crossing the said road opposite to the small garden gate at or near to Upper Willow Hall, or Willow Field Lodge; from thence along the upper side of the field known as the Pump Field, and along the north and west sides of the next field as far as Barstow Lane, and from thence up and including Barstow Lane to Cote Hill, in the township of Warley; from thence along the south side of the turnpike road known as the Burnley Road to the top of the road at Friendly leading to Gate Head, then down to Gate Head, but not including Gate Head Farm House; from thence to Hill Top, then across the field and over the Rochdale Canal to the west end of the garden in the occupation of Mr. Richardson at Hollin's Mill; from thence to Hollin's Mill dam stones, including the whole of Hollin's Mills, and from the said dam stones, entering into the township of Sowerby, down the Calder Side to the division fence dividing property now or lately belonging to Messrs. Waterhouse, and the property of James Walton, Esquire; from thence along the said division fence to the end of the said James Walton's property, and along the south side of the said property to the property of the Lancashire and Yorkshire Railway Company; from thence by the fences dividing the lands of the said Railway Company; and from thence the boundary line is the east and south-east fence of the meadow belonging to Upper Bentley Royd Farm as far as Upper Bentley Royd, including the farm house and barn there, and from thence along and including the road to Quarry Hill; from thence and including the road to Watson Mill past and including Watson Mill in the township of Norland; from thence including the road to Scar Head; from thence by the foot road to Harper Royd; from thence and including the road to Fall Lane Top; and from thence including Fall Lane to and including the said Mearclough or Mearclough Bottom Bridge, which said boundary is denoted by a red line on the plan attached to the Second Report of William Ranger, Esquire.

TUNSTALL.

Provisional Order for the application of the Public Health Act to the Township of Tunstall, in the County of Stafford.

GENERAL BOARD OF HEALTH.

WHEREAS upon the petition of not less than one tenth of the inhabitants rated to the relief of the poor of and within the Township of Tunstall, in the County of Stafford, We, the General Board of Health, appointed for the purposes of the Public Health Act, 1848, have, in pursuance of the provisions of that Act, directed William Ranger, a Superintending Inspector, appointed for the purposes of the said Act, to visit the said Township, within and throughout the said boundaries, and to make public inquiry, and to examine witnesses as to the sewerage, drainage, and supply of water, the state of the burial-grounds, the number and sanitary condition of the inhabitants, and as to any Local Acts of Parliament in force within the said Township for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said Township, or having relation to the purposes of the said Act; also, as to the natural drainage areas, and the existing municipal, parochial, or other local boundaries, and the boundaries which might be most advantageously adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, having previously given the notices directed by the said Act, proceeded upon the said inquiry, and hath reported in writing to the said General Board upon the several matters with respect to which he was directed to inquire, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of that Act.

And whereas copies of the said Report, accompanied by a notice stating that written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as directed by the said Public Health Act, and the time for forwarding such statements has now elapsed, and all such statements as have been received by the said Board have been duly deposited as required by that Act.

And whereas it appears upon such Report that there is a certain Local Act of Parliament in force within the said Township having relation to the purposes of the said Public Health Act; that is to say, An Act passed in the tenth and eleventh years of the reign of Queen Victoria, intituled "An Act for "paving, lighting, watching, cleaning, and otherwise improving the Town and "neighbourhood of Tunstall, in the County of Stafford, and for improving and "regulating the market place and markets therein:"

And whereas it appears to the said General Board of Health to be expedient that the said Public Health Act should be applied to the said Township, and that provision should be made with respect to the said Local Act of Parliament, and the partial repeal, alteration, extension, and further execution thereof, but the same cannot be done without the authority of Parliament.

Now therefore, in pursuance of the power vested in the said Board by the Public Health Act, 1848, the said General Board of Health do, by this Provisional Order under my hand and seal of office, direct.

That, from and after the passing of any Act of Parliament confirming this Order,—

1.—In the construction of this Order, the same meanings shall be assigned to certain expressions which are assigned to them by the section numbered 2 in the copies of "The Public Health Act, 1848," printed by Her Majesty's Printers, unless such meanings be repugnant to or inconsistent with the context or subject matter in which such expressions occur.

2.—The Public Health Act, 1848, shall apply to and be in force within and throughout the entire area, places, and parts of places comprised within the boundaries of the said Township of Tunstall, and that the said Township shall be and constitute a district for the purposes of the said Public Health Act accordingly.

3.—That the Local Board of Health, to be elected for the said Township, shall consist of twenty-four persons, and that the entire number shall be elected for the whole of the said district.

4.—That one third in number of the said Local Board shall go out of office on the 25th day of March in each year subsequently to that in which the said first election takes place; but in case the day as appointed shall fall on a Sunday, or on a day appointed for a Public Fast or Thanksgiving, then that such one third shall go out of office on the day next following.

5.—That

5.—That every person shall, at the time of his election as member of the said Local Board, and so long as he shall continue in office by virtue of such election, be resident as in the Public Health Act, 1848, is required, and be seised and possessed of real or personal estate, or both, to the value or amount of not less than five hundred pounds, or shall be so resident and rated to the relief of the poor of some parish, township, or place of which some part is within the said district, upon an annual value of not less than fifteen pounds.

6.—That, at the first election of the said Local Board, Enoch Wedgwood, Esquire, of Tunstall, shall have the powers and perform the duties vested in or imposed upon the Chairman of the Local Board of Health by the Public Health Act, 1848, in relation to any election by owners of property and ratepayers, and shall perform all other duties which it may be requisite for him to perform in conducting and completing the said first election; and in case the said Enoch Wedgwood, from illness or other sufficient cause, shall be unable to exercise or discharge such powers or duties, or shall be absent, or shall refuse to act, then Anthony Shaw, Esquire, of Tunstall, shall exercise and perform such of the said powers and duties as then remain to be exercised or performed.

7.—That the fourteen days notice of qualification required by the Public Health Act, 1848, to be given by owners of property in order to entitle them to vote at the said first election shall be given to the said Enoch Wedgwood, at his residence, Tunstall, or in case he shall refuse or be unable to receive the same, then to the said Anthony Shaw, at his residence, Tunstall.

8.—Such parts of the said Local Act as are specified in the Schedule to this Order shall be repealed, except in so far as relates to anything done before the passing of any Act of Parliament confirming this Order, and except in so far as the same repeal any other Act or Acts of Parliament.

9.—The powers, authorities, and duties of the Commissioners for the time being, acting in execution of the said Local Act, shall cease; and such of them as are granted or imposed by the unrepealed parts of the said Local Act shall, so far as they are not repugnant to, or inconsistent with the said Public Health Act, or this Order, or any byelaw which shall be lawfully made under the said Public Health Act, be transferred to the said Local Board of Health, and the officers and servants of the said Local Board, and shall be exercised as if they had been granted or imposed by the said Public Health Act; and all matters arising under the said Local Act may be dealt with under the provisions of the said Public Health Act; and the provisions of that Act shall apply to all such matters, and for this purpose the unrepealed parts of the said Local Act shall be incorporated with the said Public Health Act as applied to the said Township.

10.—All property and estate of the Commissioners acting in the execution of the said Local Act shall be transferred to the said Local Board of Health, and shall, as near as circumstances will permit, be held by the said Local Board of Health upon the same trusts and for the same purposes as by such Commissioners.

11.—All debts, monies, and securities for money, contracted or payable by such Commissioners, shall be satisfied by the said Local Board out of such parts of the said transferred property and estate as would have been chargeable therewith if this Order had not been made, and shall be paid and satisfied by the said Local Board as by such Commissioners.

12.—Provided always, that if such property and estate be insufficient for that purpose, the deficiency shall be charged upon the rates leviable under the said Public Health Act, in the parts only which would have been chargeable with such deficiency if this Order had not been made.

13.—Provided also, that if such property and estate be more than sufficient, the surplus shall be applied to the exclusive use of the same parts and to the same purposes as it would have been if this Order had not been made.

14.—All expenses which shall be incurred by the said Local Board of Health under the unrepealed parts of the said Local Act, and which shall not be defrayed out of monies arising under such Local Acts, shall be deemed to be expenses incurred by such Board under the said Public Health Act, and shall be defrayed out of the rates under that Act (as the nature of the case may require); and the purposes of the said Local Act shall be deemed to be purposes of the said Public Health Act as applied to the said Township; and the monies necessary to be raised for the purposes of such Local Act may be raised as under the said Public Health Act.

15.—Provided always, that this Order, and the repeal of the parts of the said Local Act mentioned in the Schedule thereto, shall not prejudicially affect anything done under that Act before the passing of any Act of Parliament confirming this Order; but notwithstanding this Order, and the Schedule thereto, all such things shall be as valid with reference to the said Local Board of Health, as if the same had been done with reference to that Board, and may be dealt with in the same manner in all respects as if they related to that Board instead of such Commissioners.

16.—Provided also, that this Order, and the repeal of the parts of the said Local Act mentioned in the Schedule thereto, shall be without prejudice to any penalties incurred under the said Local Act, but all such penalties may be recovered by the said Local Board of Health according to the provisions of this Order.

Given under my Hand and under the Seal of the General Board of Health, this Thirtieth day of July, in the year of our Lord One thousand eight hundred and fifty-five.

(L.S.) (Signed) B. Hall.

Schedule to which this Order refers.

The parts of the said Local Act referred to in this Order to be repealed are as follows; (that is to say,) so much of the section numbered 1 in the copies of that Act printed by the Queen's printers as incorporates with that Act the Commissioners Clauses Act, 1847, and so much of the same section as incorporates the sections of the Towns Improvement Clauses Act, 1847, with respect to the officers to be appointed by the Commissioners, or under any General Town Improvement Act, and the sections with respect to plans of the district within

within the limits of the Special Act, and of the works to be executed under the powers of that and the Special Act; the sections with respect to making and maintaining the public sewers; and the sections with respect to the drainage of houses; and the sections with respect to the paving and maintaining of streets; and the sections with respect to laying out new streets; and the sections with respect to objections to the works to be constructed by or subject to the approval of the Commissioners; and the sections with respect to supplying buildings with fresh air, numbered 113, 114, and 115; and the sections with respect to lodging-houses; and the sections with respect to lighting the town or district; and the sections with respect to the supply of water; and the sections with respect to slaughter-houses; and the sections with respect to things to be done by the Commissioners by special order, numbered 134 and 135; and the sections with respect to the ensuring the execution of the works by that or the Special Act required to be done by the owners or occupiers of houses or lands; and the sections with respect to the rates by that Act to be made for sewers, drains, and private improvements; and the sections with respect to the manner of making rates authorized by that or the Special Act, except the section numbered 176; and the sections with respect to the appeal to be made against any rate; and the sections with respect to the recovery of rates; and the sections with respect to byelaws to be made under that or the special Act; and the sections with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to justices; and the sections numbered respectively in the copies of the said Act printed by the Queen's printers 4 to 9, 18, and 35 to 40, all inclusive.

And so much of any unrepealed part of the said Act as fixes the amount of any penalty for any offence under the said Act, wherever the penalty for such offence shall have been fixed by the Public Health Act, 1848, or by any byelaw of the Local Board of Health made under and by virtue of the said Public Health Act, at an amount other than that fixed by the said first-mentioned Act.

TOXTETH PARK.

Provisional Order for the application of the Public Health Act to the Extra-parochial Place of Toxteth Park, in the County Palatine of Lancaster.

GENERAL BOARD OF HEALTH.

WHEREAS, upon the petition of not less than one tenth of the inhabitants rated to the relief of the poor of and within the Extra-parochial Place of Toxteth Park, in the county palatine of Lancaster, and within the boundaries of the said place, as fixed for the purposes of an Act passed in the fifth and sixth years of the reign of Her present Majesty, intituled "An Act for better "paving and improving the Streets and Highways within the Extra-parochial "Place of Toxteth Park in the County Palatine of Lancaster, and for the "Sewerage of certain Parts of the said Place:" We, the General Board of Health, appointed for the purposes of the Public Health Act, 1848, have, in pursuance of the provisions of that Act, directed William Ranger, a Super-intending

intending Inspector, appointed for the purposes of the said Act, to visit the said Place, within and throughout the said boundaries, and to make public inquiry and to examine witnesses as to the sewerage, drainage, and supply of water, the state of the burial grounds, the number and sanitary condition of the inhabitants, and as to any Local Acts of Parliament in force within the said place for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said place, or having relation to the purposes of the said Act; also as to the natural drainage areas, and the existing municipal, parochial, or other local boundaries, and the boundaries which might be most advantageously adopted for the purposes of the said Act:

And whereas the said Superintending Inspector, having previously given the notices directed by the said Act, proceeded upon the said inquiry, and hath reported in writing to the said General Board upon the several matters with respect to which he was directed to inquire, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of that Act:

And whereas copies of the said Report, accompanied by a notice stating that written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as directed by the said Public Health Act, and the time for forwarding such statements has now elapsed; and all such statements as have been received by the said Board have been duly deposited as required by that Act:

And whereas it appears upon such Report that there is a certain Local Act of Parliament in force within the said Place having relation to the purposes of the said Public Health Act; (that is to say,) the Act hereinbefore recited of the fifth and sixth years of the reign of Her present Majesty:

And whereas it appears to the said General Board of Health to be expedient that the said Public Health Act, except as herein-after mentioned, should be applied to the said place, and that provision should be made with respect to the said Local Act of Parliament, and the partial repeal, alteration, extension, and further execution thereof; but the same cannot be done without the authority of Parliament:

Now, therefore, in pursuance of the power vested in the said Board by the Public Health Act, 1848, the said General Board of Health do, by this Provisional Order under my Hand and Seal of office, direct:—

That, from and after the passing of any Act of Parliament confirming this Order,—

1.—In the construction of this Order, the same meanings shall be assigned to certain expressions which are assigned to them by the section numbered 2 in the copies of "The Public Health Act, 1848," printed by Her Majesty's printers, unless such meanings be repugnant to or inconsistent with the context or subject-matter in which such expressions occur.

2.—"The Public Health Act, 1848," and every part thereof except the sections relating to the election, continuance in office, and qualification of Local Boards of Health, being the sections numbered in the copies of that Act printed by the Queen's printers from 12 to 31, both inclusive, and the section numbered 50 in the copies of that Act printed by Her Majesty's

Majesty's printers, shall apply to the said place within the boundaries defined in the Local Act aforesaid.

3.—The Commissioners for the time being acting in execution of the said Local Act shall be the Local Board of Health under the said Public Health Act.

4.—Such parts of the said Local Act as are specified in the Schedule to this Order shall be repealed, except in so far as relates to anything done before the passing of any Act of Parliament confirming this Order, and except in so far as the same repeal any other Act or Acts of Parliament.

5.—All matters arising under the said Local Act may be dealt with under the provisions of the said Public Health Act, and the provisions of that Act shall apply to all such matters; and for this purpose the unrepealed parts of the said Local Act shall be incorporated with the said Public Health Act as applied to the said place.

6.—All expenses which shall be incurred by the said Commissioners under the unrepealed parts of the said Local Act, and which shall not be defrayed out of monies arising under such Local Act, shall be deemed to be expenses incurred by such Board under the said Public Health Act, and shall be defrayed out of the rates under that Act (as the nature of the case may require); and the purposes of the said Local Act shall be deemed to be purposes of the said Public Health Act as applied to the said place; and the monies necessary to be raised for the purposes of such Local Act may be raised as under the said Public Health Act.

Given under my Hand, and under the Seal of the General Board of Health, this Thirtieth day of July, in the year of our Lord One thousand eight hundred and fifty-five.

(L.S.))Signed) B. HALL.

Schedule to which this Order refers.

The parts of the said Local Act referred to in this Order to be repealed are as follows; (that is to say,)

The sections numbered respectively in the copies of the said Act printed by the Queen's printers 20 to 87, both inclusive; 99; 115 to 123; 129 to 131, both inclusive; 145 to 154; 158 to 160; 163 to 193, all inclusive; 196, and 197.

And so much of any unrepealed part of the said Act as fixes the amount of any penalty for any offence under the said Act, wherever the penalty for such offence shall have been fixed by the Public Health Act, 1848, or by any byelaw of the Local Board of Health, made under and by virtue of the said Public Health Act, at an amount other than that fixed by the said first-mentioned Act.

ROMFORD.

Provisional Order for altering the Boundaries of the District of Romford, in the County of Essex, as constituted for the Purposes of the Public Health Act, 1848.

General Board of Health.

Whereas by a Provisional Order of the General Board of Health, bearing date the 16th day of June 1851, confirmed by "The Public Health Supplemental Act, 1851, (No. 2.)," (14 & 15 Vict. c. 98.), the Public Health Act, 1848, has been duly applied to the Parish of Romford, in the County of Essex.

And whereas it appears to the General Board of Health appointed for the purposes of the said Act that the boundaries of the said District, as determined by the said Order, should be altered and amended in the manner prescribed by the said Act.

And whereas the said General Board have, in pursuance of the Provisions of the said Act, directed William Ranger, a Superintending Inspector appointed for the purposes of the said Act, to visit the said District, and to make public inquiry, and to examine witnesses as to the boundaries not being the boundaries of the said Parish so fixed as aforesaid, which might most advantageously be adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, having previously given the notices directed by the said Public Health Act, proceeded upon the said further inquiry in the manner directed by the said Act, and hath reported in writing to the said General Board upon the said matter with respect to which he was directed to inquire.

And whereas copies of the Report on such further inquiry, accompanied by a notice stating that written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as directed by the said Public Health Act, and the time for forwarding such statements has now elapsed, and all such statements as have been received by the said Board have been duly deposited as required by that Act.

And whereas the alteration of the boundaries of the said District cannot be effected without the authority of Parliament.

Now therefore, in pursuance of the power vested in the said General Board of Health by the Public Health Act, 1848, the said General Board of Health do, by this Provisional Order, under my hand and seal of office, order and direct as follows; that is to say:—

That from and after the passing of any Act of Parliament confirming this present Order—

1.—The provisions of the Public Health Act of 1848, and every part thereof, except the Section numbered 50 in the copies of that Act, printed by Her Majesty's Printers, shall apply to, and be in force within and throughout the entire area comprised within the boundary of the town ward of Romford in the parish of Romford and county of Essex, shown by the strong black line on the plan prefixed to the said further Report made by Mr. Ranger to the General Board of Health, and bearing date the

the 29th day of April 1854; and the parts within the said boundary shall be and constitute a district for the purposes of the said Public Health Act accordingly, under the name of the "Romford District."

2.—The present Local Board of Health for the time being for the district of Romford, as originally constituted by the herein-before recited Provisional Order, shall, from and after the passing of the Act of Parliament confirming this Order, be the Local Board of Health for the District constituted by this Order and the Act of Parliament confirming the same.

3.—At every election of members of the said Local Board which shall take place after the passing of the Act of Parliament confirming this Order, the members to be elected shall be elected for the whole of the District constituted by this Order, and by the votes of owners of and rate-payers in respect of property situate within the said District; and any person residing in the said District, or within seven miles thereof, may be elected a member of the said Local Board; but the number and qualification of such members, and the day of such election, shall remain as fixed by the herein-before recited Provisional Order of the General Board of Health, dated 16th of June 1851, and confirmed by the aforesaid "Public Health Supplemental Act, 1851, (No. 2)."

Given under my Hand and under the Seal of the General Board of Health, this Thirtieth day of July in the year of our Lord One thousand eight hundred and fifty five.

(L.S.) (Signed) B. HALL.

Public Health (No. 2.)

A

BILL

To confirm Provisional Orders of the General Board of Health, applying the Public Health Act (1848) to the Districts of Middlesbrough, Windhill, Christchurch, Warley, Tunstall, and Toxteth Park; and for Alteration of the Boundaries of the District of Romford.

(*Prepared and brought in by Sir Benjamin Hall and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed*, 6 *August* 1855.

[Bill 292.]

Under 3 *oz.*

(Ireland.)

A

BILL

FOR

The Transfer of Licences of Public Houses in Ireland.

WHEREAS it is expedient to provide for the Transfer in certain Cases of Licences of Inns, Alehouses, and Victualling Houses in Ireland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Empowering Transfer of Licences by Justices at Petty Sessions on the Death or Removal of the Parties licensed.

I. Upon the Death of any Person duly licensed to carry on the Business of a Licensed Victualler, and to sell Exciseable Liquors by Retail, to be consumed on the Premises, in Ireland, or upon the Removal of any such Person from the House or Premises at which he is authorized by any such Licence to carry on such Business as aforesaid in Ireland, it shall be lawful for the Justices of the Peace for any Division of any County or Riding, or in any Liberty, City, Town, or Place within which any such licensed House or Premises shall be situated, at any Time when no Quarter Sessions shall be holden for any such County, Riding, Division, Liberty, City, Town, or Place, (if they shall think proper so to do, after examining upon Oath all necessary Parties,) to transfer, by Endorsement thereon, any and every such Licence as aforesaid then in force, to any Person, not

not disqualified by Law, to whom it shall be proposed at the Time of such Application to transfer any such Licence, to use, exercise, and carry on the Business of a Licensed Victualler at the same House and on the same Premises, and there to sell such Exciseable Liquors as might theretofore have been lawfully sold and retailed therein; and thereupon it shall be lawful for such Person so to use, exercise, and carry on the said Business at such House and Premises, until the Quarter Sessions of the Peace which shall be holden for the same County, Riding, Division, Liberty, City, Town, or Place next after the Expiration of *One Calendar Month* from the Time of such Transfer, and no longer.

Proviso as to the Metropolitan Police District.

II. Provided always, That nothing herein contained shall be construed to empower any Justices at Petty Sessions to make any such Transfer as aforesaid, within any of the Divisions assigned, or to be assigned to any of the Police Courts already established or to be established within the District of Dublin Metropolis, but that any such Application as is herein-before authorized to be made at Petty Sessions shall, when the licensed House and Premises shall be situated within any of the said Divisions of the Police District of Dublin Metropolis, be made to One of the Police Magistrates sitting at any of the said Courts, and such Magistrate shall, in his Discretion, make any such Transfer as aforesaid, in the Manner and for the Time herein-before mentioned: Provided also, that any Person who shall be authorized under the Provisions of this Act to continue to carry on the Business of a Licensed Victualler shall, after the obtaining such Authority, and so long as the same shall continue in force, be subject to all the Powers, Regulations, Proceedings, Penalties, and Provisions declared by or contained in any Act or Acts in force touching the Regulation, Government, or Control of Licensed Keepers of Inns Alehouses, and Victualling Houses, in like Manner as if the same had been repeated and re-enacted in this Act, and that all Penalties and Forfeitures imposed by any such Act or Acts shall be applied as directed by the same respectively.

(Ireland.)

A

BILL

For the Transfer of Licences of Public Houses in Ireland.

(*Prepared and brought in by Mr. Wilson and the Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed,* 18 *July* 1855.

[Bill 257.]

Under 1 *oz.*

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20 *December* 1854. 18 Vict.

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B I L L

FOR

Further promoting the Establishment of Free Public Libraries and Museums in Municipal Towns, and for extending it to Towns governed under Local Improvement Acts, and to Parishes.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS it is expedient to amend and extend the Public Libraries Act, 1850: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. The Public Libraries Act, 1850, is hereby repealed; but such Repeal shall not invalidate or affect anything already done in pursuance of the same Act, and all Libraries and Museums established under that Act or the Act thereby repealed shall be considered as having been established under this Act, and the Council of any Borough which may have adopted either of the said Acts shall have and may use and exercise all the Benefits, Privileges, and Powers given by this Act. 13 & 14 Vict. c. 65. repealed.

II. In citing this Act for any Purposes whatever it shall be sufficient to use the Expression "The Public Libraries Act, 1855." Short Title of Act.

Interpretation Clause.

III. In the Construction of this Act the following Words and Expressions shall, unless there be something in the Subject or Context repugnant to such Construction, have the following Meanings assigned to them respectively; that is to say, "Parish" shall mean every Place maintaining its own Poor and having a Vestry; "Vestry" shall mean the Inhabitants of the Parish lawfully assembled in Vestry, or for any of the Purposes for which Vestries are holden, except in those Parishes in which there is a Select Vestry elected under the Act of the Fifty-ninth Year of King George the Third, Chapter Twelve, or under the Act of the First and Second Years of King William the Fourth, Chapter Sixty, or under the Provisions of any Local Act of Parliament for the Government of any Parish by Vestries, in which Parishes it shall mean such Select Vestry, and shall also mean any Body of Persons, by whatever Name distinguished, acting by virtue of any Act of Parliament, Prescription, Custom, or otherwise, as or instead of a Vestry or Select Vestry; "Ratepayers" shall mean all Persons for the Time being assessed to and paying Rates for the Relief of the Poor of the Parish; "Board" shall mean the Commissioners, Trustees, or other Body of Persons, by whatever Name distinguished, for the Time being in Office and acting in the Execution of any Improvement Act, being an Act for draining, cleansing, paving, lighting, watching, or otherwise improving a Place, or for any of those Purposes; "Improvement Rates" shall mean the Rates, Tolls, Rents, Income, and other Monies whatsoever which, under the Provisions of any such Improvement Act, shall be applicable for the general Purposes of such Act.

59 G. 3. c. 12. 1 & 2 W. 4. c. 60.

The Council of certain Boroughs may adopt Act.

IV. The Council of any Municipal Borough the Population of which, according to the then last Census thereof, shall exceed *Five thousand* Persons shall, upon the Requisition in Writing of at least *Ten* Persons assessed to and paying the Borough Rate, appoint a Time, not less than *Ten* Days nor more than *Twenty* Days from the Time of receiving such Requisition, for a Public Meeting of the Persons assessed to and paying the Borough Rate in order to determine whether this Act shall be adopted for the Municipal Borough, and Notice of the Time, Place, and Object of the Meeting shall be given by affixing the same on or near the Door of every Church and Chapel within the Borough, and if at such Meeting *Two Thirds* of such Persons as aforesaid then present shall determine that this Act ought to be adopted for the Borough, the same shall thenceforth take effect and come into operation in such Borough, and shall be carried into execution in accordance with the Laws for the Time being in force relating to the Municipal Corporation of such Borough.

V. The

V. The Expenses incurred in calling and holding the Meeting, whether this Act shall be adopted or not, and the Expenses of carrying this Act into Execution in such Borough shall be paid out of the Borough Fund, and the Council may levy as Part of the Borough Rate, or by a separate Rate to be assessed and recovered in like Manner as a Borough Rate, all Monies from Time to Time necessary for defraying such Expenses; and distint Accounts shall be kept of the Receipts, Payments, and Liabilities of the Council with reference to the Execution of this Act.

Expenses of carrying Act into execution in a Borough to be paid out of the Borough Fund.

VI. The Board of any District, being a Place within the Limits of any Improvement Act, and having such a Population as aforesaid, shall, upon the Requisition in Writing of at least *Ten* Persons assessed to and paying the Improvement Rate, appoint a Time not less than *Ten* Days nor more than *Twenty* Days from the Time of receiving such Requisition, for a Public Meeting of the Persons assessed to and paying such Rate, in order to determine whether this Act shall be adopted for such District, and Notice of the Time, Place, and Object of such Meeting shall be given by affixing the same on or near the Door of every Church and Chapel within the District, and if at such Meeting *Two Thirds* of such Persons as aforesaid then present shall determine that this Act ought to be adopted for the District the same shall thenceforth take effect, and come into operation in such District, and shall be carried into effect according to the Laws for the Time being in force relating to such Board.

Any Improvement Board may adopt the Act.

VII. The Expenses incurred in calling and holding the Meeting, whether this Act shall be adopted or not, and the Expenses of carrying this Act into execution in any such District shall be paid out of the Improvement Rate, and the Board may levy as Part of the Improvement Rate, or by a separate Rate to be assessed and recovered in like Manner as an Improvement Rate, such Sums of Money as shall be from Time to Time necessary for defraying such Expenses; and the Board shall keep distinct Accounts of their Receipts, Payments, Credits, and Liabilities with reference to the Execution of this Act, which Accounts shall be audited in the same Way as Accounts are directed to be audited under the Improvement Act.

Expenses of carrying Act into execution by Improvement Commissioners to be charged on Improvement Rate.

VIII. Upon the Requisition in Writing of at least *Ten* Ratepayers of any Parish, having such a Population as aforesaid, the Churchwardens or other Persons discharging the Duties of Churchwardens shall appoint a Time not less than *Ten* Days nor more than *Twenty* Days from the Time

Certain Parishes may adopt this Act, with the Consent of Two Thirds of the Ratepayers.

Time of receiving such Requisition, for a Public Meeting of the Ratepayers in order to determine whether this Act shall be adopted for the Parish; and Notice of the Time, Place, and Object of the Meeting shall be given by affixing the same on or near the Door of every Church and Chapel within the Parish; and if at such Meeting *Two Thirds* of the Ratepayers then present shall determine that this Act ought to be adopted for such Parish, the same shall come into operation in such Parish, and the Vestry shall forthwith appoint not less than *Three* nor more than *Seven* Ratepayers Commissioners for carrying the Act into execution, who shall be a Body Corporate by the Name of "The Commissioners for Public Libraries and Museums for the Parish of in the County of ", and by that Name may sue and be sued, and hold and dispose of Lands, and use a Common Seal.

The Vestry to appoint Commissioners for carrying the Act into execution, who shall be a Body Corporate.

IX. At the Termination of every Year (the Year being reckoned from and exclusive of the Day of the First Appointment of Commissioners) a Meeting of the Vestry shall be held, at which Meeting *One Third*, or as nearly as may be *One Third* of the Commissioners, to be determined by Ballot, shall go out of Office, and the Vestry shall appoint other Commissioners in their Place, but the outgoing Commissioners may be re-elected; and the Vestry shall fill up all Vacancies among the Commissioners, whether occurring by Death, Resignation, or otherwise, as soon as possible after the same occurs.

One Third of Commissioners to go out of Office yearly, and others to be appointed by the Vestry.

X. The Commissioners shall meet at least once in every Calendar Month, and at such other Times as they think fit, at the Public Library or Museum or some other convenient Place; and any One Commissioner may summon a Special Meeting of the Commissioners by giving *Forty-eight* Hours Notice in Writing to each Commissioner, specifying therein the Purpose for which the Meeting is called; and no Business shall be transacted at any Meeting of the Commissioners unless at least *Two* Commissioners shall be present.

General and Special Meetings of Commissioners.

XI. All Orders and Proceedings of the Commissioners shall be entered in Books to be kept by them for that Purpose, and shall be signed by the Commissioners or any Two of them; and all such Orders and Proceedings so entered, and purporting to be so signed, shall be deemed to be original Orders and Proceedings, and such Books may be produced and read as Evidence of all such Orders and Proceedings upon any judicial Proceeding whatsoever.

Minutes of Proceedings of Commissioners to be entered in Books.

XII. The Commissioners shall keep distinct and regular Accounts of their Receipts, Payments, Credits, and Liabilities with reference to the

Distinct Accounts to be

the Execution of this Act, which Accounts shall be audited yearly by the Poor Law Auditor, who shall report thereon, and such Report shall be laid before the Vestry by the Commissioners.

kept by Commissioners, and duly audited.

XIII. The Expenses of calling and holding the Meeting of the Ratepayers, whether this Act shall be adopted or not, and the Expenses of carrying this Act into execution in any Parish, to such Amount as shall be from Time to Time sanctioned by the Vestry, shall be paid out of the Rates for the Relief of the Poor of the Parish; the Vestry to be called for the Purpose of sanctioning the Amount shall be convened in the Manner usual in the Parish; the Amount for the Time being proposed to be raised for such Expenses shall be expressed in the Notice convening the Vestry; such Amount shall be levied in the same Manner as and as Part of the said Rate, and shall be assessed and recovered in like Manner, and with the like Powers and Remedies, in all respects, as such Rate, and shall be paid, according to the Order of the Vestry, to such Person as shall be appointed by the Commissioners to receive the same: Provided always, that in the Notices requiring the Payment of the Rate there shall be stated the Proportion which the Amount to be thereby raised for the Purposes of this Act shall bear to the total Amount of the Rate.

Expenses of executing Act in any Parish to be paid out of Poor Rate.

XIV. Whenever, after Payment of all Monies borrowed by virtue of this Act by the Commissioners of any Parish, and of the Interest thereof, and of all the Liabilities of the Commissioners with reference to the Execution of this Act in the Parish, and after providing such a Balance as shall be deemed by the Commissioners sufficient to meet the probable Liabilities during the then next Year, there shall be at the Time of holding the Meeting of the Vestry at which the yearly Report of the Auditor shall be produced any surplus Money at the Disposal of the Commissioners, the same shall go and be paid in aid of the Poor Rate.

Surplus Monies in Hands of Commissioners to be paid towards Poor Rate.

XV. The Vestries of any Two or more neighbouring Parishes having according to the then last Census an aggregate Population exceeding *Five thousand* Persons may adopt this Act, in like Manner as if the Population of each of those Parishes according to the then last Census exceeded *Five thousand*, and may concur in carrying the same into execution in such Parishes for such Time as they shall mutually agree; and such Vestries may decide that a Public Library or Museum, or both, shall be erected in any One of such Parishes, and that the Expenses of carrying this Act into execution with reference to the same shall be borne by such Parishes in such Proportions as such Vestries shall mutually approve; the Proportion for each of such

Vestries of Two or more Parishes may adopt the Act.

such Parishes of such Expenses shall be paid out of the Monies to be raised for the Relief of the Poor of the same respective Parishes accordingly; but no more than *Three* Commissioners shall be appointed for each Parish; and the Commissioners so appointed for each of such Parishes shall in the Management of the said Public Library and Museum form One Body of Commissioners, and shall act accordingly in the Execution of this Act; and the Accounts of the Commissioners shall be examined and reported on by the Poor Law Auditor of each of such Parishes; and the surplus Money at the Disposal as aforesaid of such Commissioners shall be paid to the Overseers of such Parishes respectively, in the Proportion in which such Parishes shall be liable to such Expenses.

A Rate not to exceed One Penny in the Pound. Accounts of Board and Commissioners to be open to Inspection.

XVI. The Amount of the Rate to be levied in any Borough, District, or Parish in any One Year for the Purposes of this Act shall not exceed the Sum of *One Penny in the Pound.* The Accounts of the said Board and Commissioners respectively with reference to the execution of this Act shall at all reasonable Times be open, without Charge, to the Inspection of every Person rated to the Improvement Rate or to the Rates for the Relief of the Poor of the Parish, as the Case may be, who may make Copies of or Extracts from such Accounts, without paying for the same; and in case the Board or the Commissioners, or any of them respectively, or any of their respective Officers or Servants having the Custody of such Accounts, shall not permit the same Accounts to be inspected, or Copies of or Extracts from the same to be made, every Person so offending shall for every such Offence forfeit any Sum not exceeding *Five Pounds.*

Councils, &c. may raise Money for the Purposes of the Act.

XVII. For carrying this Act into execution the Council, Board, or Commissioners respectively may, with the Approval of Her Majesty's Treasury, (and as to the Commissioners with the Sanction also of the Vestry,) from Time to Time borrow, at Interest, on the Security of a Mortgage or Bond of the Borough Fund, or of the Improvement Rates, or of the Rates for the Relief of the Poor of the Parish, such Sums of Money as may be by them respectively required; and the Commissioners for carrying into execution the Act of the Ninth and Tenth Years of Her Majesty, Chapter Eighty, may from Time to Time advance and lend any such Sums of Money.

The Public Works Loan Commissioners may advance Money.

Certain Provisions of 8 & 9 Vict. c. 16. incorporated with this Act.

XVIII. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the borrowing of Money on Mortgage or Bond, and the Accountability of Officers, and the Recovery of Damages and Penalties, so far as such Provisions may respectively

respectively be applicable to the Purposes of this Act, shall be respectively incorporated with this Act.

Lands, &c. may be appropriated, purchased, or rented for the Purposes of this Act.

XIX. The Council of any Borough, the Board of any District, and the Commissioners of any Parish or Parishes respectively may from Time to Time, with the Approval of Her Majesty's Treasury, (and as regards the Commissioners with the Approval also of the Vestry and the Poor Law Board,) appropriate for the Purposes of this Act any Lands vested, as the Case may be, in a Borough in the Mayor, Aldermen, and Burgesses, in a District in the Board, and in a Parish in the Guardians of the Poor or in the Churchwardens, or in the Churchwardens and Overseers, or in any Feoffees, Trustees, or others, for the general Benefit of the Parish, and may, also with such Approval, purchase or rent any Lands, and the Council and Board and Commissioners respectively may, upon any Lands so appropriated, purchased, or rented respectively, erect any Buildings suitable for Public Libraries or Museums, or both, and may alter and extend any Buildings for such Purposes, and repair and improve the same respectively, and fit up, furnish, and supply the same respectively with all requisite Furniture, Fittings, and Conveniences.

Provisions of 8 & 9 Vict. c. 18. incorporated with this Act.

XX. "The Lands Clauses Consolidation Act, 1845," shall be incorporated with this Act; but the Council, Board, and Commissioners respectively shall not purchase or take any Lands otherwise than by Agreement.

Lands, &c. may be sold or exchanged.

XXI. The Council, Board, and Commissioners aforesaid respectively may, with the like Approval as is required for the Purchase of Lands, sell any Lands vested in the Mayor, Aldermen, and Burgesses, or Board, or Commissioners respectively, for the Purposes of this Act, or exchange the same for any Lands better adapted for the Purposes; and the Monies to arise from such Sale, or to be received for Equality of Exchange, or a sufficient Part thereof, shall be applied in or towards the Purchase of other Lands better adapted for such Purposes.

General Management to be vested in Council, Board, or Commissioners.

XXII. The general Management, Regulation, and Control of such Libraries and Museums shall be, as to any Borough, vested in and exercised by the Council, and as to any District in and by the Board, and as to any Parish or Parishes in and by the Commissioners, or such Committee as they respectively may from Time to Time appoint (the Members whereof need not be Members of the Council or Board or be Commissioners); who may from Time to Time purchase and provide the necessary Fuel, Lighting, and other similar

Matters, Books, Maps, and Specimens of Art and Science, for the Use of the Library or Museum, and cause the same to be bound or repaired when necessary, and appoint salaried Officers and Servants, and dismiss the same; and make Rules and Regulations for the Safety and Use of the Libraries and Museums, and for the Admission of Visitors.

Property of Library, &c. to be vested in Council, Board, and Commissioners respectively.

XXIII. The Lands so to be appropriated, purchased, or rented as aforesaid, and all other Real and Personal Property whatever presented to or purchased for any Library or Museum established under this Act, shall be vested, in the Case of a Borough, in the Mayor, Aldermen, and Burgesses, in the Case of a District in the Board, and in the Case of a Parish or Parishes in the Commissioners.

Museums to be free.

XXIV. The Admission to all Libraries and Museums established under this Act shall be open to the Public free of all Charge.

Public Libraries and Museums.

A

BILL

For further promoting the Establishment of Free Public Libraries and Museums in Municipal Towns, and for giving like Powers to Towns governed under Local Improvement Acts, and to Parishes.

(*Prepared and brought in by Mr. Ewart, Mr. Brotherton, and Mr. George Alexander Hamilton.*)

Ordered, by the House of Commons, *to be Printed.*
20 *December* 1854.

[Bill 9.]

Under 2 oz.

7 *March* 1855. 18 Vict.

A

BILL

[AS AMENDED BY THE COMMITTEE]

FOR

Further promoting the Establishment of Free Public Libraries and Museums in Municipal Towns, and for extending it to Towns governed under Local Improvement Acts, and to Parishes.

Preamble.

WHEREAS it is expedient to amend and extend the Public Libraries Act, 1850: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

13 & 14 Vict. c. 65. repealed.

I. The Public Libraries Act, 1850, is hereby repealed; but such Repeal shall not invalidate or affect anything already done in pursuance of the same Act, and all Libraries and Museums established under that Act or the Act thereby repealed shall be considered as having been established under this Act, and the Council of any Borough which may have adopted either of the said Acts shall have and may use and exercise all the Benefits, Privileges, and Powers given by this Act.

Short Title of Act.

II. In citing this Act for any Purposes whatever it shall be sufficient to use the Expression "The Public Libraries Act, 1855."

Interpretation Clause.

III. In the Construction of this Act the following Words and Expressions shall, unless there be something in the Subject or Context repugnant to such Construction, have the following Meanings assigned to them respectively; that is to say, "Parish" shall mean every Place maintaining its own Poor; "Vestry" shall mean the Inhabitants of the Parish lawfully assembled in Vestry, or for any of the Purposes for which Vestries are holden, except in those Parishes in which there is a Select Vestry elected under the Act of the Fifty-ninth Year of King George the Third, Chapter Twelve, or under the Act of the First and Second Years of King William the Fourth, Chapter Sixty, or under the Provisions of any Local Act of Parliament for the Government of any Parish by Vestries, in which Parishes it shall mean such Select Vestry, and shall also mean any Body of Persons, by whatever Name distinguished, acting by virtue of any Act of Parliament, Prescription, Custom, or otherwise, as or instead of a Vestry or Select Vestry; "Ratepayers" shall mean all Persons for the Time being assessed to and paying Rates for the Relief of the Poor of the Parish; "Board" shall mean the Commissioners, Trusteees, or other Body of Persons, by whatever Name distinguished, for the Time being in Office and acting in the Execution of any Improvement Act, being an Act for draining, cleansing, paving, lighting, watching, or otherwise improving a Place, or for any of those Purposes; "Improvement Rates" shall mean the Rates, Tolls, Rents, Income, and other Monies whatsoever which, under the Provisions of any such Improvement Act, shall be applicable for the general Purposes of such Act.

59 G. 3. c. 12. 1 & 2 W. 4. c. 60.

The Council of certain Boroughs may adopt Act.

IV. The Council of any Municipal Borough the Population of which, according to the then last Census thereof, shall exceed Five thousand Persons, shall, upon the Requisition in Writing of at least Ten Persons assessed to and paying the Borough Rate, appoint a Time, not less than Ten Days nor more than Twenty Days from the Time of receiving such Requisition, for a Public Meeting of the Persons assessed to and paying the Borough Rate in order to determine whether this Act shall be adopted for the Municipal Borough, and Ten Days Notice at least of the Time, Place, and Object of the Meeting shall be given by affixing the same on or near the Door of every Church and Chapel within the Borough, and also by advertising the same in One or more of the Newspapers published or circulated within the Borough, Seven Days at least before the Day appointed for the Meeting, and if at such Meeting Two Thirds of such Persons as aforesaid then present shall determine that this Act ought to be adopted for the Borough, the same shall thenceforth take effect and come into operation in such Borough, and shall be carried into execution in accordance with the Laws for the

the Time being in force relating to the Municipal Corporation of such Borough.

Expenses of carrying Act into execution in a Borough to be paid out of the Borough Fund.

V. The Expenses incurred in calling and holding the Meeting, whether this Act shall be adopted or not, and the Expenses of carrying this Act into execution in such Borough, shall be paid out of the Borough Fund, and the Council may levy as Part of the Borough Rate, or by a separate Rate to be assessed and recovered in like Manner as a Borough Rate, all Monies from Time to Time necessary for defraying such Expenses; and distinct Accounts shall be kept of the Receipts, Payments, and Liabilities of the Council with reference to the Execution of this Act.

Any Improvement Board may adopt the Act.

VI. The Board of any District, being a Place within the Limits of any Improvement Act, and having such a Population as aforesaid, shall, upon the Requisition in Writing of at least Ten Persons assessed to and paying the Improvement Rate, appoint a Time not less than Ten Days nor more than Twenty Days from the Time of receiving such Requisition for a Public Meeting of the Persons assessed to and paying such Rate in order to determine whether this Act shall be adopted for such District, and Ten Days Notice at least of the Time, Place, and Object of such Meeting shall be given by affixing the same on or near the Door of every Church and Chapel within the District, and also by advertising the same in One or more of the Newspapers published or circulated within the District, Seven Days at least before the Day appointed for the Meeting; and if at such Meeting Two Thirds of such Persons as aforesaid then present shall determine that this Act ought to be adopted for the District, the same shall thenceforth take effect, and come into operation in such District, and shall be carried into effect according to the Laws for the Time being in force relating to such Board.

Expenses of carrying Act into execution by Improvement Commissioners to be charged on Improvement Rate.

VII. The Expenses incurred in calling and holding the Meeting, whether this Act shall be adopted or not, and the Expenses of carrying this Act into execution in any such District, shall be paid out of the Improvement Rate, and the Board may levy as Part of the Improvement Rate, or by a separate Rate to be assessed and recovered in like Manner as an Improvement Rate, such Sums of Money as shall be from Time to Time necessary for defraying such Expenses; and the Board shall keep distinct Accounts of their Receipts, Payments, Credits, and Liabilities with reference to the Execution of this Act, which Accounts shall be audited in the same Way as Accounts are directed to be audited under the Improvement Act.

Certain parishes may adopt this Act, with the Consent of Two Thirds of the Ratepayers.

VIII. Upon the Requisition in Writing of at least Ten Ratepayers of any Parish, having such a Population as aforesaid, the Overseers of the Poor shall appoint a Time not less than Ten Days nor more than Twenty Days from the Time of receiving such Requisition, for a Public Meeting of the Ratepayers in order to determine whether this Act shall be adopted for the Parish; and Ten Days Notice at least of the Time, Place, and Object of the Meeting shall be given by affixing the same on or near the Door of every Church and Chapel within the Parish, and also by advertising the same in One or more of the Newspapers published or circulated within the Parish, Seven Days at least before the Day appointed for the Meeting; and if at such Meeting Two Thirds of the Ratepayers then present shall determine that this Act ought to be adopted for such Parish, the same shall come into operation in such Parish, and the Vestry shall forthwith appoint not less than Three nor more than Nine Ratepayers Commissioners for carrying the Act into execution, who shall be a Body Corporate by the Name of "The Commissioners for Public Libraries and Museums for the Parish of in the County of ", and by that Name may sue and be sued, and hold and dispose of Lands, and use a Common Seal.

The Vestry to appoint Commissioners for carrying the Act into execution, who shall be a Body Corporate.

One Third of Commissioners to go out of Office yearly, and others to be appointed by the Vestry.

IX. At the Termination of every Year (the Year being reckoned from and exclusive of the Day of the First Appointment of Commissioners) a Meeting of the Vestry shall be held, at which Meeting One Third, or as nearly as may be One Third of the Commissioners, to be determined by Ballot, shall go out of Office, and the Vestry shall appoint other Commissioners in their Place, but the outgoing Commissioners may be re-elected; and the Vestry shall fill up all Vacancies among the Commissioners, whether occurring by Death, Resignation, or otherwise, as soon as possible after the same occurs.

General and Special Meetings of Commissioners.

X. The Commissioners shall meet at least once in every Calendar Month, and at such other Times as they think fit, at the Public Library or Museum or some other convenient Place; and any One Commissioner may summon a Special Meeting of the Commissioners by giving Three clear Days Notice in Writing to each Commissioner, specifying therein the Purpose for which the Meeting is called; and no Business shall be transacted at any Meeting of the Commissioners unless at least Two Commissioners shall be present.

Minutes of Proceedings of Commissioners to be entered in Books.

XI. All Orders and Proceedings of the Commissioners shall be entered in Books to be kept by them for that Purpose, and shall be signed by the Commissioners or any Two of them; and all such Orders and Proceedings so entered, and purporting to be so signed, shall

shall be deemed to be original Orders and Proceedings, and such Books may be produced and read as Evidence of all such Orders and Proceedings upon any judicial Proceeding whatsoever.

Distinct Accounts to be kept by Commissioners, and duly audited.

XII. The Commissioners shall keep distinct and regular Accounts of their Receipts, Payments, Credits, and Liabilities with reference to the Execution of this Act, which Accounts shall be audited yearly by the Poor Law Auditor, if the Accounts of Poor Rate Expenditure of the Parish be audited by a Poor Law Auditor, but if not so audited, then by Two Auditors not being Commissioners, who shall be yearly appointed by the Vestry, and the Auditor or Auditors, who shall report thereon, and such Report shall be laid before the Vestry by the Commissioners.

Expenses of executing Act in any Parish to be paid out of Poor Rate.

XIII. The Expenses of calling and holding the Meeting of the Ratepayers, whether this Act shall be adopted or not, and the Expenses of introducing this Act into any Parish, to such Amount as shall be from Time to Time sanctioned by the Vestry, shall be paid out of the Rates for the Relief of the Poor of the Parish; the Vestry to be called for the Purpose of sanctioning the Amount shall be convened in the Manner usual in the Parish; the Amount for the Time being proposed to be raised for such Expenses shall be expressed in the Notice convening the Vestry; such Amount shall be levied in the same Manner as and as Part of the said Rate, and shall be assessed and recovered in like Manner, and with the like Powers and Remedies, in all respects, as such Rate, and shall be paid, according to the Order of the Vestry, to such Person as shall be appointed by the Commissioners to receive the same: Provided always, that in the Notices requiring the Payment of the Rate there shall be stated the Proportion which the Amount to be thereby raised for the Purposes of this Act shall bear to the total Amount of the Rate.

Vestries of Two or more Parishes may adopt the Act.

XIV. The Vestries of any Two or more neighbouring Parishes having according to the then last Census an aggregate Population exceeding Five thousand Persons may adopt this Act, in like Manner as if the Population of each of those Parishes according to the then last Census exceeded Five thousand, and may concur in carrying the same into execution in such Parishes for such Time as they shall mutually agree; and such Vestries may decide that a Public Library or Museum, or both, shall be erected in any One of such Parishes, and that the Expenses of carrying this Act into execution with reference to the same shall be borne by such Parishes in such Proportions as such Vestries shall mutually approve; the Proportion for each of such Parishes of such Expenses shall be paid out of the Monies

to be raised for the Relief of the Poor of the same respective Parishes accordingly; but no more than Three Commissioners shall be appointed for each Parish; and the Commissioners so appointed for each of such Parishes shall in the Management of the said Public Library and Museum form One Body of Commissioners, and shall act accordingly in the Execution of this Act; and the Accounts of the Commissioners shall be examined and reported on by the Auditor or Auditors of each of such Parishes; and the surplus Money at the Disposal as aforesaid of such Commissioners shall be paid to the Overseers of such Parishes respectively, in the Proportion in which such Parishes shall be liable to such Expenses.

A Rate not to exceed One Penny in the Pound. Accounts of Board and Commissioners to be open to Inspection.

XV. The Amount of the Rate to be levied in any Borough, District, or Parish in any One Year for the Purposes of this Act shall not exceed the Sum of One Penny in the Pound: the Accounts of the said Board and Commissioners respectively with reference to the Execution of this Act shall at all reasonable Times be open, without Charge, to the Inspection of every Person rated to the Improvement Rate or to the Rates for the Relief of the Poor of the Parish, as the Case may be, who may make Copies of or Extracts from such Accounts, without paying for the same; and in case the Board or the Commissioners, or any of them respectively, or any of their respective Officers or Servants having the Custody of such Accounts, shall not permit the same Accounts to be inspected, or Copies of or Extracts from the same to be made, every Person so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Lands, &c. may be appropriated, purchased, or rented for the Purposes of this Act.

XVI. The Council of any Borough, the Board of any District, and the Commissioners of any Parish or Parishes respectively may from Time to Time, with the Approval of Her Majesty's Treasury, (and as regards the Commissioners with the Approval also of the Vestry and the Poor Law Board,) appropriate for the Purposes of this Act any Lands vested, as the Case may be, in a Borough in the Mayor, Aldermen, and Burgesses, in a District in the Board, and in a Parish in the Guardians of the Poor or in the Churchwardens, or in the Churchwardens and Overseers, or in any Feoffees, Trustees, or others, for the general Benefit of the Parish, and may, also with such Approval, purchase or rent any Lands, or any suitable Buildings, and the Council and Board and Commissioners respectively may, upon any Lands so appropriated, purchased, or rented respectively, erect any Buildings suitable for Public Libraries or Museums, or both, or for Schools for Science and Art in connexion with the Board of Trade, and may apply, take down, alter, and extend any Buildings for such Purposes, and rebuild, repair, and improve

improve the same respectively, and fit up, furnish, and supply the same respectively with all requisite Furniture, Fittings, and Conveniences.

Provisions of 8 & 9 Vict. c. 18. incorporated with this Act.

XVII. "The Lands Clauses Consolidation Act, 1845," shall be incorporated with this Act; but the Council, Board, and Commissioners respectively shall not purchase or take any Lands otherwise than by Agreement.

Lands, &c. may be sold or exchanged.

XVIII. The Council, Board, and Commissioners aforesaid respectively may, with the like Approval as is required for the Purchase of Lands, sell any Lands vested in the Mayor, Aldermen, and Burgesses, or Board, or Commissioners respectively, for the Purposes of this Act, or exchange the same for any Lands better adapted for the Purposes; and the Monies to arise from such Sale, or to be received for Equality of Exchange, or a sufficient Part thereof, shall be applied in or towards the Purchase of other Lands better adapted for such Purposes.

General Management to be vested in Council, Board, or Commissioners.

XIX. The general Management, Regulation, and Control of such Libraries and Museums shall be, as to any Borough, vested in and exercised by the Council, and as to any District in and by the Board, and as to any Parish or Parishes in and by the Commissioners, or such Committee as they respectively may from Time to Time appoint; who may from Time to Time purchase and provide the necessary Fuel, Lighting, and other similar Matters, Books, Newspapers, Maps, and Specimens of Art and Science, for the Use of the Library or Museum, and cause the same to be bound or repaired when necessary, and appoint salaried Officers and Servants, and dismiss the same; and make Rules and Regulations for the Safety and Use of the Libraries and Museums, and for the Admission of Visitors.

Property of Library, &c. to be vested in Council, Board, and Commissioners respectively.

XX. The Lands and Buildings so to be appropriated, purchased, or rented as aforesaid, and all other Real and Personal Property whatever presented to or purchased for any Library or Museum established under this Act, shall be vested, in the Case of a Borough, in the Mayor, Aldermen, and Burgesses, in the Case of a District in the Board, and in the Case of a Parish or Parishes in the Commissioners.

Museums to be free.

XXI. The Admission to all Libraries and Museums established under this Act shall be open to the Public free of all Charge.

Act not to extend to Ireland or Scotland.

XXII. This Act shall not extend to Ireland or Scotland.

Museums.

A

BILL

[AS AMENDED BY THE COMMITTEE]

For further promoting the Establishment of Free Public Libraries and Museums in Municipal Towns, and for giving like Powers to Towns governed under Local Improvement Acts, and to Parishes.

(*Prepared and brought in by Mr. Ewart, Mr. Brotherton, and Mr. George Alexander Hamilton.*)

Ordered, by the House of Commons, *to be Printed*, 7 *March* 1855.

[Bill 52.]

Under 1 *oz.*

25 *April* 1855. 18 Vict.

A

B I L L

[AS AMENDED BY THE COMMITTEE AND ON RE-COMMITMENT]

FOR

Further promoting the Establishment of Free Public Libraries and Museums in Municipal Towns, and for extending it to Towns governed under Local Improvement Acts, and to Parishes.

[Note.—*The Clauses marked* A.; B., *and* C. *were added on Re-commitment.*]

WHEREAS it is expedient to amend and extend the Public Libraries Act, 1850: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. The Public Libraries Act, 1850, is hereby repealed; but such Repeal shall not invalidate or affect anything already done in pursuance of the same Act, and all Libraries and Museums established under that Act or the Act thereby repealed shall be considered as having been established under this Act, and the Council of any Borough which may have adopted the said Act of One thousand eight hundred and fifty, or established a Museum under the Act thereby repealed, shall have and may use and exercise all the Benefits, Privileges, 13 & 14 Vict. c. 65. repealed.

leges, and Powers given by this Act; and all Monies which have been borrowed by virtue of the said repealed Acts or either of them, and still remaining unpaid, and the Interest thereof, shall be charged on the Borough Rates, or a Rate to be assessed and recovered in the like Manner as a Borough Rate to be made by virtue of this Act.

Short Title of Act.

II. In citing this Act for any Purposes whatever it shall be sufficient to use the Expression "The Public Libraries Act, 1855."

Interpretation Clause.

III. In the Construction of this Act the following Words and Expressions shall, unless there be something in the Subject or Context repugnant to such Construction, have the following Meanings assigned to them respectively; that is to say, "Parish" shall mean every Place maintaining its own Poor; "Vestry" shall mean the Inhabitants of the Parish lawfully assembled in Vestry, or for any of the Purposes for which Vestries are holden, except in those Parishes in which there is a Select Vestry elected under the Act of the Fifty-ninth Year of King George the Third, Chapter Twelve, or under the Act of the First and Second Years of King William the Fourth, Chapter Sixty, or under the Provisions of any Local Act of Parliament for the Government of any Parish by Vestries, in which Parishes it shall mean such Select Vestry, and shall also mean any Body of Persons, by whatever Name distinguished, acting by virtue of any Act of Parliament, Prescription, Custom, or otherwise, as or instead of a Vestry or Select Vestry; "Ratepayers" shall mean all Persons for the Time being assessed to Rates for the Relief of the Poor of the Parish; "Overseers of the Poor" shall mean also any Persons authorized and required to make and collect the Rate for the Relief of the Poor of the Parish, and acting instead of Overseers of the Poor; "Board" shall mean the Commissioners, Trusteees, or other Body of Persons, by whatever Name distinguished, for the Time being in Office and acting in the Execution of any Improvement Act, being an Act for draining, cleansing, paving, lighting, watching, or otherwise improving a Place, or for any of those Purposes; "Improvement Rates" shall mean the Rates, Tolls, Rents, Income, and other Monies whatsoever which, under the Provisions of any such Improvement Act, shall be applicable for the general Purposes of such Act.

59 G. 3. c. 12. 1 & 2 W. 4. c. 60.

The Council of certain Boroughs may adopt Act.

IV. The Mayor of any Municipal Borough the Population of which, according to the then last Census thereof, shall exceed Five thousand Persons, shall, on the Request of the Town Council, convene a Public Meeting of the Burgesses of the Borough, in order to determine whether this Act shall be adopted for the Municipal Borough, and Ten Days Notice at least of the Time, Place, and Object of the Meeting shall be given by affixing the same on or near the Door of every

every Church and Chapel within the Borough, and also by advertising the same in One or more of the Newspapers published or circulated within the Borough, Seven Days at least before the Day appointed for the Meeting; and if at such Meeting Two Thirds of such Persons as aforesaid then present shall determine that this Act ought to be adopted for the Borough, the same shall thenceforth take effect and come into operation in such Borough, and shall be carried into execution in accordance with the Laws for the Time being in force relating to the Municipal Corporation of such Borough: Provided always, that the Mayor, or, in his Absence, the Chairman of the Meeting, shall cause a Minute to be made of the Resolutions of the Meeting, and shall sign the same; and the Resolutions so signed shall be conclusive Evidence that the Meeting was duly convened, and the Vote thereat duly taken, and that the Minute contains a true Account of the Proceedings thereat.

Expenses of carrying Act into execution in a Borough to be paid out of the Borough Fund.

V. The Expenses incurred in calling and holding the Meeting, whether this Act shall be adopted or not, and the Expenses of carrying this Act into execution in such Borough, shall be paid out of the Borough Fund, and the Council may levy as Part of the Borough Rate, or by a separate Rate to be assessed and recovered in like Manner as a Borough Rate, all Monies from Time to Time necessary for defraying such Expenses; and distinct Accounts shall be kept of the Receipts, Payments, and Liabilities of the Council with reference to the Execution of this Act.

Any Improvement Board may adopt the Act.

VI. The Board of any District, being a Place within the Limits of any Improvement Act, and having such a Population as aforesaid, shall, upon the Requisition in Writing of at least Ten Persons assessed to and paying the Improvement Rate, appoint a Time not less than Ten Days nor more than Twenty Days from the Time of receiving such Requisition for a Public Meeting of the Persons assessed to and paying such Rate in order to determine whether this Act shall be adopted for such District, and Ten Days Notice at least of the Time, Place, and Object of such Meeting shall be given by affixing the same on or near the Door of every Church and Chapel within the District, and also by advertising the same in One or more of the Newspapers published or circulated within the District, Seven Days at least before the Day appointed for the Meeting; and if at such Meeting Two Thirds of such Persons as aforesaid then present shall determine that this Act ought to be adopted for the District, the same shall thenceforth take effect, and come into operation in such District, and shall be carried into effect according to the Laws for the Time being in force relating to such Board.

Expenses of carrying Act into execution by Improvement Commissioners to be charged on Improvement Rate.

VII. The Expenses incurred in calling and holding the Meeting, whether this Act shall be adopted or not, and the Expenses of carrying this Act into execution in any such District, shall be paid out of the Improvement Rate, and the Board may levy as Part of the Improvement Rate, or by a separate Rate to be assessed and recovered in like Manner as an Improvement Rate, such Sums of Money as shall be from Time to Time necessary for defraying such Expenses; and the Board shall keep distinct Accounts of their Receipts, Payments, Credits, and Liabilities with reference to the Execution of this Act, which Accounts shall be audited in the same Way as Accounts are directed to be audited under the Improvement Act.

Certain parishes may adopt this Act, with the Consent of Two Thirds of the Ratepayers.

VIII. Upon the Requisition in Writing of at least Ten Ratepayers of any Parish having such a Population as aforesaid, the Overseers of the Poor shall appoint a Time, not less than Ten Days nor more than Twenty Days from the Time of receiving such Requisition, for a Public Meeting of the Ratepayers in order to determine whether this Act shall be adopted for the Parish; and Ten Days Notice at least of the Time, Place, and Object of the Meeting shall be given by affixing the same on or near the Door of every Church and Chapel within the Parish, and also by advertising the same in One or more of the Newspapers published or circulated within the Parish, Seven Days at least before the Day appointed for the Meeting; and if at such Meeting Two Thirds of the Ratepayers then present shall determine that this Act ought to be adopted for such Parish, the same shall come into operation in such Parish, and the Vestry shall forthwith appoint not less than Three nor more than Nine Ratepayers Commissioners for carrying the Act into execution, who shall be a Body Corporate by the Name of "The Commissioners for Public Libraries and Museums for the Parish of in the County of ," and by that Name may sue and be sued, and hold and dispose of Lands, and use a Common Seal.

The Vestry to appoint Commissioners for carrying the Act into execution, who shall be a Body Corporate.

One Third of Commissioners to go out of Office yearly, and others to be appointed by the Vestry.

IX. At the Termination of every Year (the Year being reckoned from and exclusive of the Day of the First Appointment of Commissioners) a Meeting of the Vestry shall be held, at which Meeting One Third or as nearly as may be One Third of the Commissioners, to be determined by Ballot, shall go out of Office, and the Vestry shall appoint other Commissioners in their Place, but the outgoing Commissioners may be re-elected; and the Vestry shall fill up every Vacancy among the Commissioners, whether occurring by Death, Resignation, or otherwise, as soon as possible after the same occurs.

General and Special Meetings of Commissioners.

X. The Commissioners shall meet at least once in every Calendar Month, and at such other Times as they think fit, at the Public Library

Library or Museum or some other convenient Place; and any One Commissioner may summon a Special Meeting of the Commissioners by giving Three clear Days Notice in Writing to each Commissioner, specifying therein the Purpose for which the Meeting is called; and no Business shall be transacted at any Meeting of the Commissioners unless at least Two Commissioners shall be present.

Minutes of Proceedings of Commissioners to be entered in Books.

XI. All Orders and Proceedings of the Commissioners shall be entered in Books to be kept by them for that Purpose, and shall be signed by the Commissioners or any Two of them; and all such Orders and Proceedings so entered, and purporting to be so signed, shall be deemed to be original Orders and Proceedings, and such Books may be produced and read as Evidence of all such Orders and Proceedings upon any judicial Proceeding whatsoever.

Distinct Accounts to be kept by Commissioners, and duly audited.

XII. The Commissioners shall keep distinct and regular Accounts of their Receipts, Payments, Credits, and Liabilities with reference to the Execution of this Act, which Accounts shall be audited yearly by the Poor Law Auditor, if the Accounts of Poor Rate Expenditure of the Parish be audited by a Poor Law Auditor, but if not so audited, then by Two Auditors not being Commissioners, who shall be yearly appointed by the Vestry, and the Auditor or Auditors shall report thereon, and such Report shall be laid before the Vestry by the Commissioners.

Expenses of executing Act in any Parish to be paid out of Poor Rate.

XIII. The Expenses of calling and holding the Meeting of the Ratepayers, whether this Act shall be adopted or not, and the Expenses of carrying this Act into execution in any Parish, to such Amount as shall be from Time to Time sanctioned by the Vestry, shall be paid out of the Rates for the Relief of the Poor of the Parish; the Vestry to be called for the Purpose of sanctioning the Amount shall be convened in the Manner usual in the Parish; the Amount for the Time being proposed to be raised for such Expenses shall be expressed in the Notice convening the Vestry, and shall be paid, according to the Order of the Vestry, to such Person as shall be appointed by the Commissioners to receive the same: Provided always, that in the Notices requiring the Payment of the Rate there shall be stated the Proportion which the Amount to be thereby raised for the Purposes of this Act shall bear to the total Amount of the Rate.

Vestries of Two or more Parishes may adopt the Act.

XIV. The Vestries of any Two or more neighbouring Parishes having according to the then last Census an aggregate Population exceeding Five thousand Persons may adopt this Act, in like Manner as if the Population of each of those Parishes according to the then last Census exceeded Five thousand, and may concur in carrying the

the same into execution in such Parishes for such Time as they shall mutually agree; and such Vestries may decide that a Public Library or Museum, or both, shall be erected in any One of such Parishes, and that the Expenses of carrying this Act into execution with reference to the same shall be borne by such Parishes in such Proportions as such Vestries shall mutually approve; the Proportion for each of such Parishes of such Expenses shall be paid out of the Monies to be raised for the Relief of the Poor of the same respective Parishes accordingly; but no more than Three Commissioners shall be appointed for each Parish; and the Commissioners so appointed for each of such Parishes shall in the Management of the said Public Library and Museum form One Body of Commissioners, and shall act accordingly in the Execution of this Act; and the Accounts of the Commissioners shall be examined and reported on by the Auditor or Auditors of each of such Parishes; and the surplus Money at the Disposal as aforesaid of such Commissioners shall be paid to the Overseers of such Parishes respectively, in the Proportion in which such Parishes shall be liable to such Expenses.

A Rate not to exceed One Penny in the Pound. Accounts of Board and Commissioners to be open to Inspection.

XV. The Amount of the Rate to be levied in any Borough, District, or Parish in any One Year for the Purposes of this Act shall not exceed the Sum of One Penny in the Pound; and Owners and Occupiers of Houses, Buildings, and Property, other than Land, shall be rated at a Rate in the Pound Three Times greater than that at which the Owners and Occupiers of Land shall be rated at and pay for the Purposes of this Act; but every Courtyard, Yard, or Garden (such Garden not being a Market Garden or Nursery Ground), shall be included in the Assessment to be made on the House, Buildings, or other Property to which they may be respectively attached; the Accounts of the said Board and Commissioners respectively with reference to the Execution of this Act shall at all reasonable Times be open, without Charge, to the Inspection of every Person rated to the Improvement Rate or to the Rates for the Relief of the Poor of the Parish, as the Case may be, who may make Copies of or Extracts from such Accounts, without paying for the same; and in case the Board or the Commissioners, or any of them respectively, or any of their respective Officers or Servants having the Custody of such Accounts, shall not permit the same Accounts to be inspected, or Copies of or Extracts from the same to be made, every Person so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Clause A. Council, &c. may borrow on Mortgage.

XVI. For carrying this Act into execution, the Council, Board, or Commissioners respectively may, with the Approval of Her Majesty's Treasury (and as to the Commissioners, with the Sanction also of the Vestry

Vestry and the Poor Law Board,) from Time to Time borrow at Interest, on the Security of a Mortgage or Bond of the Borough Fund, or of the Improvement Rates, or of the Rates for the Relief of the Poor of the Parish, such Sums of Money as may be by them respectively required; and the Commissioners for carrying into execution the Act of the Ninth and Tenth Years of Her Majesty, Chapter Eighty, may from Time to Time advance and lend any such Sums of Money.

CLAUSE B. Provisions of the Companies Clauses Consolidation Act, 1845, as to borrowing, extended to this Act.

XVII. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the borrowing of Money on Mortgage or Bond, and the Accountability of Officers, and the Recovery of Damages and Penalties, so far as such Provisions may respectively be applicable to the Purposes of this Act, shall be respectively incorporated with this Act.

Lands, &c. may be appropriated, purchased, or rented for the Purposes of this Act.

XVIII. The Council of any Borough and the Board of any District respectively may from Time to Time, with the Approval of Her Majesty's Treasury, appropriate for the Purposes of this Act any Lands vested, as the Case may be, in a Borough, in the Mayor, Aldermen, and Burgesses, and in a District in the Board; and the Council, Board, and Commissioners respectively may also, with such Approval, purchase or rent any Lands or any suitable Buildings; and the Council and Board and Commissioners respectively may, upon any Lands so appropriated, purchased, or rented respectively, erect any Buildings suitable for Public Libraries or Museums, or both, or for Schools for Science or Art, and may apply, take down, alter, and extend any Buildings for such Purposes, and rebuild, repair, and improve the same respectively, and fit up, furnish, and supply the same respectively with all requisite Furniture, Fittings, and Conveniences.

Provisions of 8 & 9 Vict. c. 18. incorporated with this Act.

XIX. "The Lands Clauses Consolidation Act, 1845," shall be incorporated with this Act; but the Council, Board, and Commissioners respectively shall not purchase or take any Lands otherwise than by Agreement.

Lands, &c. may be sold or exchanged.

XX. The Council, Board, and Commissioners aforesaid respectively may, with the like Approval as is required for the Purchase of Lands, sell any Lands vested in the Mayor, Aldermen, and Burgesses, or Board, or Commissioners respectively, for the Purposes of this Act, or exchange the same for any Lands better adapted for the Purposes; and the Monies to arise from such Sale, or to be received for Equality of Exchange, or a sufficient Part thereof, shall be applied in or towards the Purchase of other Lands better adapted for such Purposes.

General Management to be vested in Council, Board, or Commissioners.

XXI. The general Management, Regulation, and Control of such Libraries and Museums, Schools for Science and Art, shall be, as to any Borough, vested in and exercised by the Council, and as to any District in and by the Board, and as to any Parish or Parishes in and by the Commissioners, or such Committee as such Council or Board may from Time to Time appoint, the Members whereof need not be Members of the Council or Board or be Commissioners, who may from Time to Time purchase and provide the necessary Fuel, Lighting, and other similar Matters, Books, Newspapers, Maps, and Specimens of Art and Science, for the Use of the Library or Museum, or School, and cause the same to be bound or repaired when necessary, and appoint salaried Officers and Servants, and dismiss the same, and make Rules and Regulations for the Safety and Use of the Libraries and Museums, and Schools, and for the Admission of the Public.

Property of Library, &c. to be vested in Council, Board, and Commissioners respectively.

XXII. The Lands and Buildings so to be appropriated, purchased, or rented as aforesaid, and all other Real and Personal Property whatever presented to or purchased for any Library or Museum established under this Act, or School, shall be vested, in the Case of a Borough, in the Mayor, Aldermen, and Burgesses, in the Case of a District in the Board, and in the Case of a Parish or Parishes in the Commissioners.

Clause C. If any Meeting determine against Adoption of Act, no other Meeting to be called for a Year.

XXIII. If any Meeting called as aforesaid to determine as to the Adoption of this Act for any Borough, District, or Parish shall determine against the Adoption, no Meeting for a similar Purpose shall be held for the Space of One Year at least from the Time of holding the previous Meeting.

Museums to be free.

XXIV. The Admission to all Libraries and Museums established under this Act shall be open to the Public free of all Charge.

Act not to extend to Ireland or Scotland.

XXV. This Act shall not extend to Ireland or Scotland.

Public Libraries and Museums.

A

BILL

[AS AMENDED BY THE COMMITTEE AND ON RE-COMMITMENT]

For further promoting the Establishment of Free Public Libraries and Museums in Municipal Towns, and for extending it to Towns governed under Local Improvement Acts, and to Parishes.

(*Prepared and brought in by Mr. Ewart, Mr. Brotherton, and Mr. George Alexander Hamilton.*)

Ordered, by the House of Commons, *to be Printed*, 25 *April* 1855.

[Bill 90.]

Under 1 *oz.*

5 *July* 1855. 18 & 19 Vict.

A

B I L L

[AS AMENDED BY THE COMMITTEE, ON RE-COMMITMENT, AND ON SECOND RE-COMMITMENT]

FOR

Further promoting the Establishment of Free Public Libraries and Museums in Municipal Towns, and for extending it to Towns governed under Local Improvement Acts, and to Parishes.

[Note.—*The Clauses* A., B., *and* C. *were added on Re-commitment, and the Clause* D. *on Second Re-commitment.*]

WHEREAS it is expedient to amend and extend the Public Libraries Act, 1850: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. The Public Libraries Act, 1850, is hereby repealed; but such Repeal shall not invalidate or affect anything already done in pursuance of the same Act, and all Libraries and Museums established under that Act or the Act thereby repealed shall be considered as having been established under this Act, and the Council of any Borough which may have adopted the said Act of One thousand eight hundred and fifty, or established a Museum under the Act thereby repealed, shall have and may use and exercise all the Benefits, Privileges, 13 & 14 Vict. c. 65. repealed.

leges, and Powers given by this Act; and all Monies which have been borrowed by virtue of the said repealed Acts or either of them, and still remaining unpaid, and the Interest thereof, shall be charged on the Borough Rates, or a Rate to be assessed and recovered in the like Manner as a Borough Rate to be made by virtue of this Act.

Short Title of Act.

II. In citing this Act for any Purposes whatever it shall be sufficient to use the Expression "The Public Libraries Act, 1855."

Interpretation Clause.

III. In the Construction of this Act the following Words and Expressions shall, unless there be something in the Subject or Context repugnant to such Construction, have the following Meanings assigned to them respectively; that is to say, "Parish" shall mean every Place maintaining its own Poor; "Vestry" shall mean the Inhabitants of the Parish lawfully assembled in Vestry, or for any of the Purposes for which Vestries are holden, except in those Parishes in which there is a Select Vestry elected under the Act of the Fifty-ninth Year of King George the Third, Chapter Twelve, or under the Act of the First and Second Years of King William the Fourth, Chapter Sixty, or under the Provisions of any Local Act of Parliament for the Government of any Parish by Vestries, in which Parishes it shall mean such Select Vestry, and shall also mean any Body of Persons, by whatever Name distinguished, acting by virtue of any Act of Parliament, Prescription, Custom, or otherwise, as or instead of a Vestry or Select Vestry; "Ratepayers" shall mean all Persons for the Time being assessed to Rates for the Relief of the Poor of the Parish; "Overseers of the Poor" shall mean also any Persons authorized and required to make and collect the Rate for the Relief of the Poor of the Parish, and acting instead of Overseers of the Poor; "Board" shall mean the Commissioners, Trustees, or other Body of Persons, by whatever Name distinguished, for the Time being in Office and acting in the Execution of any Improvement Act, being an Act for draining, cleansing, paving, lighting, watching, or otherwise improving a Place, or for any of those Purposes; "Improvement Rates" shall mean the Rates, Tolls, Rents, Income, and other Monies whatsoever which, under the Provisions of any such Improvement Act, shall be applicable for the general Purposes of such Act.

59 G. 3. c. 12. 1 & 2 W. 4. c. 60.

The Council of certain Boroughs may adopt Act.

IV. The Mayor of any Municipal Borough the Population of which, according to the then last Census thereof, shall exceed Five thousand Persons, shall, on the Request of the Town Council, convene a Public Meeting of the Burgesses of the Borough, in order to determine whether this Act shall be adopted for the Municipal Borough, and Ten Days Notice at least of the Time, Place, and Object of the Meeting shall be given by affixing the same on or near the Door of every

every Church and Chapel within the Borough, and also by advertising the same in One or more of the Newspapers published or circulated within the Borough, Seven Days at least before the Day appointed for the Meeting; and if at such Meeting Two Thirds of such Persons as aforesaid then present shall determine that this Act ought to be adopted for the Borough, the same shall thenceforth take effect and come into operation in such Borough, and shall be carried into execution in accordance with the Laws for the Time being in force relating to the Municipal Corporation of such Borough: Provided always, that the Mayor, or, in his Absence, the Chairman of the Meeting, shall cause a Minute to be made of the Resolutions of the Meeting, and shall sign the same; and the Resolutions so signed shall be conclusive Evidence that the Meeting was duly convened, and the Vote thereat duly taken, and that the Minute contains a true Account of the Proceedings thereat.

Expenses of carrying Act into execution in a Borough to be paid out of the Borough Fund.

V. The Expenses incurred in calling and holding the Meeting, whether this Act shall be adopted or not, and the Expenses of carrying this Act into execution in such Borough, may be paid out of the Borough Fund, or the Council may levy by a separate Rate, to be called a Library Rate, to be made and recoverable in the Manner herein-after provided, all Monies from Time to Time necessary for defraying such Expenses; and distinct Accounts shall be kept of the Receipts, Payments, and Liabilities of the Council with reference to the Execution of this Act.

Any Improvement Board may adopt the Act.

VI. The Board of any District, being a Place within the Limits of any Improvement Act, and having such a Population as aforesaid, shall, upon the Requisition in Writing of at least Ten Persons assessed to and paying the Improvement Rate, appoint a Time not less than Ten Days nor more than Twenty Days from the Time of receiving such Requisition for a Public Meeting of the Persons assessed to and paying such Rate in order to determine whether this Act shall be adopted for such District, and Ten Days Notice at least of the Time, Place, and Object of such Meeting shall be given by affixing the same on or near the Door of every Church and Chapel within the District, and also by advertising the same in One or more of the Newspapers published or circulated within the District, Seven Days at least before the Day appointed for the Meeting; and if at such Meeting Two Thirds of such Persons as aforesaid then present shall determine that this Act ought to be adopted for the District, the same shall thenceforth take effect, and come into operation in such District, and shall be carried into effect according to the Laws for the Time being in force relating to such Board.

Expenses of carrying Act into execution by Improvement Commissioners to be charged on Improvement Rate.

VII. The Expenses incurred in calling and holding the Meeting, whether this Act shall be adopted or not, and the Expenses of carrying this Act into execution in any such District, shall be paid out of the Improvement Rate, and the Board may levy as Part of the Improvement Rate, or by a separate Rate to be assessed and recovered in like Manner as an Improvement Rate, such Sums of Money as shall be from Time to Time necessary for defraying such Expenses; and the Board shall keep distinct Accounts of their Receipts, Payments, Credits, and Liabilities with reference to the Execution of this Act, which Accounts shall be audited in the same Way as Accounts are directed to be audited under the Improvement Act.

Certain Parishes may adopt this Act, with the Consent of Two Thirds of the Ratepayers.

VIII. Upon the Requisition in Writing of at least Ten Ratepayers of any Parish having such a Population as aforesaid, the Overseers of the Poor shall appoint a Time, not less than Ten Days nor more than Twenty Days from the Time of receiving such Requisition, for a Public Meeting of the Ratepayers in order to determine whether this Act shall be adopted for the Parish; and Ten Days Notice at least of the Time, Place, and Object of the Meeting shall be given by affixing the same on or near the Door of every Church and Chapel within the Parish, and also by advertising the same in One or more of the Newspapers published or circulated within the Parish, Seven Days at least before the Day appointed for the Meeting; and if at such Meeting Two Thirds of the Ratepayers then present shall determine that this Act ought to be adopted for such Parish, the same shall come into operation in such Parish, and the Vestry shall forthwith appoint not less than Three nor more than Nine Ratepayers Commissioners for carrying the Act into execution, who shall be a Body Corporate by the Name of "The Commissioners for Public Libraries and Museums for the Parish of in the County of ," and by that Name may sue and be sued, and hold and dispose of Lands, and use a Common Seal: Provided always, that in any Parish where there shall not be a greater Population than Eight thousand Inhabitants by the then last Census, it shall be lawful for any Ten Ratepayers to deliver a Requisition by them signed, and describing their Place of Residence, to the Overseers or One of the Overseers of the said Parish, requiring the Votes of the Ratepayers at such Meeting to be taken according to the Provisions of the Act passed in the Fifty-eighth Year of the Reign of King George the Third, Chapter Sixty-nine, and the Votes at such Meeting shall thereupon be taken according to the Provisions of the said last-mentioned Act of Parliament, and not otherwise.

The Vestry to appoint Commissioners for carrying the Act into execution, who shall be a Body Corporate.

One Third of Commissioners to go

IX. At the Termination of every Year (the Year being reckoned from and exclusive of the Day of the First Appointment of Commissioners)

sioners) a Meeting of the Vestry shall be held, at which Meeting One Third or as nearly as may be One Third of the Commissioners, to be determined by Ballot, shall go out of Office, and the Vestry shall appoint other Commissioners in their Place, but the outgoing Commissioners may be re-elected; and the Vestry shall fill up every Vacancy among the Commissioners, whether occurring by Death, Resignation, or otherwise, as soon as possible after the same occurs.

out of Office yearly, and others to be appointed by the Vestry.

X. The Commissioners shall meet at least once in every Calendar Month, and at such other Times as they think fit, at the Public Library or Museum or some other convenient Place; and any One Commissioner may summon a Special Meeting of the Commissioners by giving Three clear Days Notice in Writing to each Commissioner, specifying therein the Purpose for which the Meeting is called; and no Business shall be transacted at any Meeting of the Commissioners unless at least Two Commissioners shall be present.

General and SpecialMeetings of Commissioners.

XI. All Orders and Proceedings of the Commissioners shall be entered in Books to be kept by them for that Purpose, and shall be signed by the Commissioners or any Two of them; and all such Orders and Proceedings so entered, and purporting to be so signed, shall be deemed to be original Orders and Proceedings, and such Books may be produced and read as Evidence of all such Orders and Proceedings upon any judicial Proceeding whatsoever.

Minutes of Proceedings of Commissioners to be entered in Books.

XII. The Commissioners shall keep distinct and regular Accounts of their Receipts, Payments, Credits, and Liabilities with reference to the Execution of this Act, which Accounts shall be audited yearly by the Poor Law Auditor, if the Accounts of Poor Rate Expenditure of the Parish be audited by a Poor Law Auditor, but if not so audited, then by Two Auditors not being Commissioners, who shall be yearly appointed by the Vestry, and the Auditor or Auditors shall report thereon, and such Report shall be laid before the Vestry by the Commissioners.

Distinct Accounts to be kept by Commissioners, and duly audited.

XIII. The Expenses of calling and holding the Meeting of the Ratepayers, whether this Act shall be adopted or not, and the Expenses of carrying this Act into execution in any Parish, to such Amount as shall be from Time to Time sanctioned by the Vestry, shall be paid out of a Rate to be made and recovered in like Manner as a Poor Rate, except that every Person occupying Lands used as Arable, Meadow, or Pasture Ground only, or as Woodlands or Market Gardens, or Nursery Grounds, shall be rated in respect of the same in the Proportion of One Third Part only of the full net annual Value thereof respectively; the Vestry to be called for the

Expenses of executing Act in any Parish to be paid out of Poor Rate.

the Purpose of sanctioning the Amount shall be convened in the Manner usual in the Parish; the Amount for the Time being proposed to be raised for such Expenses shall be expressed in the Notice convening the Vestry, and shall be paid, according to the Order of the Vestry, to such Person as shall be appointed by the Commissioners to receive the same: Provided always, that in the Notices requiring the Payment of the Rate there shall be stated the Proportion which the Amount to be thereby raised for the Purposes of this Act shall bear to the total Amount of the Rate.

Vestries of Two or more Parishes may adopt the Act.

XIV. The Vestries of any Two or more neighbouring Parishes having according to the then last Census an aggregate Population exceeding Five thousand Persons may adopt this Act, in like Manner as if the Population of each of those Parishes according to the then last Census exceeded Five thousand, and may concur in carrying the same into execution in such Parishes for such Time as they shall mutually agree; and such Vestries may decide that a Public Library or Museum, or both, shall be erected in any One of such Parishes, and that the Expenses of carrying this Act into execution with reference to the same shall be borne by such Parishes in such Proportions as such Vestries shall mutually approve; the Proportion for each of such Parishes of such Expenses shall be paid out of the Monies to be raised for the Relief of the Poor of the same respective Parishes accordingly; but no more than Three Commissioners shall be appointed for each Parish; and the Commissioners so appointed for each of such Parishes shall in the Management of the said Public Library and Museum form One Body of Commissioners, and shall act accordingly in the Execution of this Act; and the Accounts of the Commissioners shall be examined and reported on by the Auditor or Auditors of each of such Parishes; and the surplus Money at the Disposal as aforesaid of such Commissioners shall be paid to the Overseers of such Parishes respectively, in the Proportion in which such Parishes shall be liable to such Expenses.

A Rate not to exceed One Penny in the Pound. Accounts of Board and Commissioners to be open to Inspection.

XV. The Amount of the Rate to be levied in any Borough, District, or Parish in any One Year for the Purposes of this Act shall not exceed the Sum of One Penny in the Pound; and for the Purposes of the Library Rate all the Clauses of the Towns Improvement Clauses Act, 1847, with respect to the Manner of making Rates, to the Appeal to be made against any Rate, and to the Recovery of Rates, shall be incorporated with this Act; and whenever the Words "Special Act" occur in the Act so incorporated they shall mean "The Public Libraries Act, 1855;" the Accounts of the said Board and Commissioners respectively with reference to the Execution of this Act shall at all reasonable Times be open, without Charge,

Charge, to the Inspection of every Person rated to the Improvement Rate or to the Rates for the Relief of the Poor of the Parish, as the Case may be, who may make Copies of or Extracts from such Accounts, without paying for the same; and in case the Board or the Commissioners, or any of them respectively, or any of their respective Officers or Servants having the Custody of such Accounts, shall not permit the same Accounts to be inspected, or Copies of or Extracts from the same to be made, every Person so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds.

CLAUSE A. Council, &c. may borrow on Mortgage.

XVI. For carrying this Act into execution the Council, Board, or Commissioners respectively may, with the Approval of Her Majesty's Treasury, (and as to the Commissioners, with the Sanction also of the Vestry and the Poor Law Board,) from Time to Time borrow at Interest, on the Security of a Mortgage or Bond of the Borough Fund, or of the Rates levied in pursuance of this Act, such Sums of Money as may be by them respectively required; and the Commissioners for carrying into execution the Act of the Ninth and Tenth Years of Her Majesty, Chapter Eighty, may from Time to Time advance and lend any such Sums of Money.

CLAUSE B. Provisions of the Companies Clauses Consolidation Act, 1845, as to borrowing, extended to this Act.

XVII. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the borrowing of Money on Mortgage or Bond, and the Accountability of Officers, and the Recovery of Damages and Penalties, so far as such Provisions may respectively be applicable to the Purposes of this Act, shall be respectively incorporated with this Act.

Lands, &c. may be appropriated, purchased, or rented for the Purposes of this Act.

XVIII. The Council of any Borough and the Board of any District respectively may from Time to Time, with the Approval of Her Majesty's Treasury, appropriate for the Purposes of this Act any Lands vested, as the Case may be, in a Borough, in the Mayor, Aldermen, and Burgesses, and in a District in the Board; and the Council, Board, and Commissioners respectively may also, with such Approval, purchase or rent any Lands or any suitable Buildings; and the Council and Board and Commissioners respectively may, upon any Lands so appropriated, purchased, or rented respectively, erect any Buildings suitable for Public Libraries or Museums, or both, or for Schools for Science or Art, and may apply, take down, alter, and extend any Buildings for such Purposes, and rebuild, repair, and improve the same respectively, and fit up, furnish, and supply the same respectively with all requisite Furniture, Fittings, and Conveniences.

 XIX. "The

Provisions of 8 & 9 Vict. c. 18. incorporated with this Act.

XIX. "The Lands Clauses Consolidation Act, 1845," shall be incorporated with this Act; but the Council, Board, and Commissioners respectively shall not purchase or take any Lands otherwise than by Agreement.

Lands, &c. may be sold or exchanged.

XX. The Council, Board, and Commissioners aforesaid respectively may, with the like Approval as is required for the Purchase of Lands, sell any Lands vested in the Mayor, Aldermen, and Burgesses, or Board, or Commissioners respectively, for the Purposes of this Act, or exchange the same for any Lands better adapted for the Purposes; and the Monies to arise from such Sale, or to be received for Equality of Exchange, or a sufficient Part thereof, shall be applied in or towards the Purchase of other Lands better adapted for such Purposes.

General Management to be vested in Council, Board, or Commissioners.

XXI. The general Management, Regulation, and Control of such Libraries and Museums, Schools for Science and Art, shall be, as to any Borough, vested in and exercised by the Council, and as to any District in and by the Board, and as to any Parish or Parishes in and by the Commissioners, or such Committee as such Council or Board may from Time to Time appoint, the Members whereof need not be Members of the Council or Board or be Commissioners, who may from Time to Time purchase and provide the necessary Fuel, Lighting, and other similar Matters, Books, Newspapers, Maps, and Specimens of Art and Science, for the Use of the Library or Museum, or School, and cause the same to be bound or repaired when necessary, and appoint salaried Officers and Servants, and dismiss the same, and make Rules and Regulations for the Safety and Use of the Libraries and Museums, and Schools, and for the Admission of the Public.

Property of Library, &c. to be vested in Council, Board, and Commissioners respectively.

XXII. The Lands and Buildings so to be appropriated, purchased, or rented as aforesaid, and all other Real and Personal Property whatever presented to or purchased for any Library or Museum established under this Act, or School, shall be vested, in the Case of a Borough, in the Mayor, Aldermen, and Burgesses, in the Case of a District in the Board, and in the Case of a Parish or Parishes in the Commissioners.

Clause C If any Meeting determine against Adoption of Act, no other Meeting to be called for a Year.

XXIII. If any Meeting called as aforesaid to determine as to the Adoption of this Act for any Borough, District, or Parish shall determine against the Adoption, no Meeting for a similar Purpose shall be held for the Space of One Year at least from the Time of holding the previous Meeting.

XXIV. The

CLAUSE D.

Act may be adopted in the City of London.

XXIV. The Lord Mayor of the City of London shall, on the Request of the Lord Mayor, Aldermen, and Commons of the City of London, in Common Council assembled, convene a Public Meeting in manner herein-before mentioned of all Persons rated and assessed to the Consolidated Rate in the City of London, in order to determine whether this Act shall be adopted in the said City; and if at such Meeting Two Thirds of such Persons then present shall determine that this Act ought to be adopted for the City of London, the same shall thenceforth take effect and come into operation in the City of London, and shall be carried into execution in accordance with the Laws for the Time being in force relating to the City of London: Provided always, that the Resolution of such Public Meeting, signed by the Lord Mayor, shall be reported to the said Lord Mayor, Aldermen, and Commons, in Common Council assembled, and entered on the Minutes thereof, and that such Entry shall be Evidence; the Expenses incurred in calling and holding the Meeting, whether this Act shall be adopted or not, and the Expenses of carrying this Act into execution in the City of London, shall be paid out of the Consolidated Rate, and the Commissioners of Sewers of the City of London may levy a Part of the Consolidated Rate, or by a separate Rate, to be assessed and recovered in like Manner as the Consolidated Rate, all Monies from Time to Time necessary for defraying such Expenses, and distinct Accounts shall be kept of the Receipts, Payments, and Liabilities of the said Lord Mayor, Aldermen, and Commons with reference to the Execution of the Act.

Museums to be free.

XXV. The Admission to all Libraries and Museums established under this Act shall be open to the Public free of all Charge.

Act not to extend to Ireland or Scotland.

XXVI. This Act shall not extend to Ireland or Scotland.

Public Libraries and Museums.

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BILL

[AS AMENDED BY THE COMMITTEE, ON RE COMMITMENT, AND ON SECOND RE-COMMITMENT]

For further promoting the Establishment of Free Public Libraries and Museums in Municipal Towns, and for extending it to Towns governed under Local Improvement Acts, and to Parishes.

(Prepared and brought in by Mr. Ewart, Mr. Brotherton, and Mr. George Alexander Hamilton.)

Ordered, by The House of Commons, *to be Printed,* 5 *July* 1855.

[Bill 225.]

Under 2 *oz.*

26 *March* 1855. 18 VICT.

(Ireland.)

A

B I L L

FOR

Further promoting the Establishment of free Public Libraries and Museums in Ireland.

Note.—The Words printed in *Italics* are proposed to be inserted in Committee.

WHEREAS it is expedient to amend the Act of the Sixteenth and Seventeenth Years of Her present Majesty, Chapter One hundred and one, and to give greater Facilities for the Establishment in Ireland of free Public Libraries and Museums: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same: as follows. Preamble.

I. The said Act of the Sixteenth and Seventeenth Years of Her present Majesty, Chapter One hundred and one, and Section Ninety-nine of the Towns Improvement Act (Ireland), 1854, are hereby repealed; but such Repeal shall not invalidate or affect anything already done in pursuance of either of such Acts; and all public Libraries and Museums established in Ireland under either of those Acts shall be considered as having been established under this Act. 16 & 17 Vict. c. 101. and Sec. 99. of 17 & 18 Vict. c. 103. repealed.

II. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The Public Libraries Act (Ireland), 1855." Short Title of Act.

Interpretation of Terms in Act.

III. In the Construction and for the Purposes of this Act (if not inconsistent with the Context or Subject Matter) the following Terms shall have the respective Meanings herein-after assigned to them; that is to say, "Town" shall mean and include any City, Borough, Town, or Place in which Commissioners, Trustees, or other Persons have been or shall be elected or appointed under the Act of the Ninth Year of King George the Fourth, Chapter Eighty-two, or the "Towns Improvement Act (Ireland), 1854," or any Local or other Act or Acts for paving, flagging, lighting, watching, cleansing, or otherwise improving any City, Borough, Town, or Place, for the Execution of any such Act or Acts, or superintending the Execution thereof, and in which there shall not be a Town Council or other such Body elected under the Act of the Third and Fourth Years of Her present Majesty, Chapter One hundred and eight, or any other Charter granted in pursuance of such Act, or any Act passed for the Amendment thereof; "Town Commissioners" shall mean the Commissioners, Trustees, or other Persons for the Time being elected or appointed under any such first-mentioned Acts as aforesaid; "Town Fund" shall mean the Town Fund, or the Rates or Property vested in and under the Control and Direction of any Town Commissioners, and applicable to the Purposes of any such Acts; "Town Rate" shall mean the Rate or Rates authorized to be levied by any such Town Commissioners; "Mayor" shall include Lord Mayor; "Clerk" shall mean, as regards an incorporated Borough, the Town Clerk of such Borough, and as regards a Town in which there shall be Town Commissioners the Clerk appointed by the Town Commissioners; "Householder" shall mean a Male Occupier of a Dwelling House, or of any Lands, Tenements, or Hereditaments within any Town or incorporated Borough, and entitled for the Time being to vote at Elections of Commissioners, Aldermen, or Councillors in such Town or Borough.

"Town."

"Town Commissioners."

"Town Fund."

"Town Rate."

"Mayor."

"Clerk."

"Householder."

Act may be adopted in any incorporated Borough or any Town.

IV. The Council or Board of Municipal Commissioners of any incorporated Borough in Ireland regulated under the said Act of the Third and Fourth Years of Her present Majesty, Chapter One hundred and eight, or any Charter granted in pursuance of such Act, or any Act passed for the Amendment thereof, the Population of which, according to the then last Census thereof, shall exceed *Five thousand* Persons, or the Town Commissioners of any Town in Ireland having such a Population as aforesaid, may, if they think fit, appoint a Time for a Public Meeting of the Householders of the Borough or Town, as the Case may be, in order to determine whether this Act shall be adopted for the Borough or Town, and *Ten* Days Notice at least of the Time, Place, and Object of the Meeting shall be given by affixing the same on or near the Door of every Church and Chapel within the Borough or Town, and also by advertising the same in

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One or more of the Newspapers published or circulated within the Borough or Town *Seven* Days at least before the Day appointed for the Meeting; and if at such Meeting *Two Thirds* of such Persons as aforesaid then present shall determine that this Act ought to be adopted for the Borough or Town, the same shall thenceforth take effect and come into operation in such Borough or Town, as the Case may be, and shall be carried into execution, in accordance with the Laws for the Time being in force relating to the Municipal Corporation of such Borough, or relating to such Town.

Expenses of carrying Act into execution in a Borough or Town to be paid out of the Borough Fund or Town Fund.

V. The Expenses incurred in calling and holding the Meeting, whether this Act shall be adopted or not, and the Expenses of carrying this Act into execution in such Borough, shall be paid out of the Borough Fund, and in such Town out of the Town Fund; and the Council, or Board of Municipal Commissioners, or Town Commissioners, may levy as Part of the Borough Rate or Town Rate, as the Case may be, or by a separate Rate to be assessed and recovered in like Manner as the Borough Rate or Town Rate, all Monies from Time to Time necessary for defraying such Expenses; and distinct Accounts shall be kept of the Receipts, Payments, and Liabilities of the Council with reference to the Execution of this Act.

Accounts to be audited, and Copy to be sent to the Lord Lieutenant, &c.

VI. Such Accounts shall be audited in the same Way as all other Accounts of such Borough or Town respectively are audited, and the said Council or Board or Town Commissioners shall, within *One Month* after the same shall have been audited, transmit to the Lord Lieutenant or other Chief Governor or Governors of Ireland for the Time being a true and correct Copy of such Accounts, and shall also within the Time aforesaid cause a Copy of such Accounts to be deposited in the Office of the Clerk; and the said Accounts shall be open to the Inspection of all Householders of such Borough or Town respectively, and Copies thereof shall be delivered to any such Householder applying for the same, upon Payment of a reasonable Charge for the same, to be fixed by the Council or Board or Town Commissioners, as the Case may be.

Incorporation of Town Commissioners for Purposes of Act.

VII. The Town Commissioners of every Town adopting this Act shall for the Purposes thereof be a Body Corporate, with perpetual Succession, by the Name of "The Commissioners for Public Libraries "and Museums for the Town of in the County of "", and by that Name may sue and be sued, and hold and dispose of Lands, and use a Common Seal.

Rate not to exceed One Penny in the Pound.

VIII. The Amount of the Rate to be levied in any Borough or Town in any One Year for the Purposes of this Act shall not exceed

Houses and Lands to be differently rated.

exceed the Sum of *One Penny* in the Pound, and in any such Borough shall be assessed, raised, collected, and levied in the same Manner as the Borough Rate, and in any such Town shall be assessed, raised, collected, and levied in the same Manner as the Town Rate.

Lands, &c. may be appropriated, purchased, or rented for the Purposes of this Act.

IX. The Council or Board of any Borough and the Town Commissioners of any Town respectively may from Time to Time, with the Approval of Her Majesty's Treasury, appropriate for the Purposes of this Act any Lands vested, as the Case may be, in a Borough in the Mayor, Aldermen, and Burgesses, and in a Town in the Town Commissioners, and may also, with such Approval, purchase or rent any Lands or any suitable Buildings, and the Council or Board and Town Commissioners respectively may, upon any Lands so appropriated, purchased, or rented respectively, erect any Buildings suitable for Public Libraries or Museums, or both, and may apply, take down, alter, and extend any Buildings for such Purposes, and rebuild, repair, and improve the same respectively, and fit up, furnish, and supply the same respectively with all requisite Furniture, Fittings, and Conveniences.

Provisions of 8 & 9 Vict. c. 18. incorporated with this Act.

X. "The Lands Clauses Consolidation Act, 1845," shall be incorporated with this Act; but the Council or Board, and Commissioners respectively shall not purchase or take any Lands otherwise than by Agreement.

Lands, &c. may be sold or exchanged.

XI. The Council or Board and Commissioners aforesaid respectively may, with the like Approval as is required for the Purchase of Lands, sell any Lands vested in the Mayor, Aldermen, and Burgesses, or Board, or Town Commissioners respectively, for the Purposes of this Act, or exchange the same for any Lands better adapted for the Purposes; and the Monies to arise from such Sale, or to be received for Equality of Exchange, or a sufficient Part thereof, shall be applied in or towards the Purchase of other Lands better adapted for such Purposes.

General Management to be vested in Council or Board, or Town Commissioners.

XII. The general Management, Regulation, and Control of such Libraries and Museums shall be, as to any Borough, vested in and exercised by the Council or Board, and as to any Town, in and by the Town Commissioners, or such Committee as they respectively may from Time to Time appoint, who may from Time to Time purchase and provide the necessary Fuel, Lighting, and other similar Matters, Books, Newspapers, Maps, and Specimens of Art and Science, for the Use of the Library or Museum, and cause the same to be bound or repaired, when necessary, and appoint salaried Officers and Servants,

Servants, and dismiss the same, and make Rules and Regulations for the Safety and Use of the Libraries and Museums, and for the Admission of Visitors.

Property of Library, &c. to be vested in Council, Board and Commissioners respectively.

XIII. The Lands and Buildings so to be appropriated, purchased, or rented as aforesaid, and all other Real and Personal Property whatever presented to or purchased for any Library or Museum established under this Act, shall be vested, in the Case of a Borough, in the Mayor, Aldermen, and Burgesses, and in the Case of a Town in the Town Commissioners.

If Meeting determine against Adoption of Act, no fresh Meeting to be called for One Year.

XIV. If any Meeting called as herein-before provided to consider as to the Adoption of this Act for any Borough or Town shall determine against such Adoption no Meeting for a similar Purpose shall be held for the Space of *One Year* at least from the Time of holding the previous Meeting.

Museums to be free.

XV. The Admission to all Libraries and Museums established under this Act shall be open to the Public free of all Charge.

This Act to be incorporated with Local Acts in force in Borough or Town.

XVI. Upon the coming into operation of this Act in any Borough it shall, as regards such Borough, be incorporated with the said Act of the Third and Fourth Victoria, Chapter One hundred and eight, and upon the coming into operation of this Act in any Town it shall, as regards such Town, be incorporated with the Act or Acts in force therein relating to the Powers and Duties of the Town Commissioners.

Public Libraries and Museums.

(Ireland.)

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BILL

FOR

Further promoting the Establishment of Free Public Libraries and Museums in Ireland.

(*Prepared and brought in by Mr. Ewart, Mr. George Alexander Hamilton, and Mr. Kirk.*)

Ordered, by The House of Commons, *to be Printed*, 26 *March* 1855.

[Bill 63.]

Under 1 *oz.*

20 *February* 1855. 18 Vict.

A

BILL

TO

Provide for the Appointment of Public Prosecutors and for the Amendment of Criminal Procedure in England and Wales.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS the Appointment of Public Prosecutors for the Purpose of conducting the Prosecution of Criminal Offenders would conduce to the efficient Administration of Justice: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. It shall be lawful for Her Majesty, with the Advice of Her Privy Council, to divide the whole of England and Wales and the several Counties thereof into such and so many Districts as to Her Majesty, with the Advice aforesaid, may seem necessary for the Purpose of this Act, and to alter such Districts, if it shall so seem fit to Her Majesty, from Time to Time. Circuits of the Judges of Assize to be divided into Districts.

II. The Lord Chancellor shall appoint for each of such Districts One or more fit Persons, each of them being a Barrister-at-Law of The Lord Chancellor to appoint

Public Prosecutors. not less than *Ten Years* standing, to conduct, as herein-after mentioned, therein all Criminal Prosecutions throughout England and Wales.

Style and Remuneration of Public Prosecutor. III. *Every such Barrister so appointed shall be styled "The Public Prosecutor" for his respective District, and shall be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland a fixed annual Sum, to be fixed by the Commissioners of Her Majesty's Treasury, not in any Case exceeding Fifteen hundred Pounds, including Travelling Expenses;* and such Public Prosecutor shall not be removable, except by reason of Misconduct or Unfitness to discharge his Functions; and if it shall appear, after Examination and Inquiry, to the Lord Chancellor and the Lord Chief Justice of the Queen's Bench, that any such Public Prosecutor has been guilty of such Misconduct, or is unfit to discharge the Duties of his Office, the Lord Chancellor and the Lord Chief Justice of the Queen's Bench shall and may remove such Public Prosecutor from his Office; and such Public Prosecutor shall not during the Time he holds such Office hold any other Place or Office of Profit whatsoever under the Crown or otherwise.

Duties of Public Prosecutor before Trial. IV. Such Public Prosecutor, on the Receipt of the Statement of the Evidence and Copies of the Depositions taken before the Magistrates and Justices of the Peace acting in the Counties, Cities, Boroughs, and Places in his District, upon the Examination of any Person charged with Felony or Misdemeanor, and transmitted for that Purpose to such Public Prosecutor by the District Agents herein-after mentioned, shall peruse and consider the same, and within as short a Time as he conveniently can after the Receipt of the above-mentioned Communication shall signify his Opinion in Writing whether such Evidence is sufficient or not to justify the Committal for Trial of any Person or Persons named or mentioned therein, and whether the Prosecution of such accused Persons will conduce to the Ends of Public Justice, or whether such Person should be discharged, or if on Bail released from the Necessity of appearing again in answer to the Charge, or remanded for further Examination, and shall from Time to Time, upon any Case or Question submitted to him for that Purpose by the District Agent herein-after mentioned, advise whether a Prosecution shall or shall not be instituted for any alleged Offence, and advise upon the Evidence to be adduced on the Trial or Examination of any accused Person, and on any other Fact, Circumstance, or Emergency arising before the Trial of any indictable Offences whatsoever.

Duties of Public Prosecutors at the Trial. V. The several Public Prosecutors for any District, the whole or any Part of which is within the Jurisdiction of the Central Criminal Court,

Court, shall attend the Trial, and assist in conducting the Prosecution on the Part of the Crown for Offences tried at the Central Criminal Court, and in like Manner the several Public Prosecutors shall attend at and conduct the Prosecution of all Offences to be tried at the Assize Towns for all Places within their respective Districts.

Appointment of Deputy Public Prosecutors.

VI. Whenever at any Assize Town, by reason of the holding of Two or more Courts for the Trial of Prisoners at the same Time, or from the serious Nature of the Offences to be tried, or by reason of the Number of Witnesses to be examined, or of the temporary Illness of the District Public Prosecutor, or for any other Cause, it is desirable to provide additional Assistance, it shall be lawful for the Clerk of Assize, on the Application of the District Agent, and obtaining the Certificate of the Judge presiding in the Crown Court that such additional Assistance appears to him to be desirable, to nominate as many Deputy Public Prosecutors as the Judge shall certify to be required.

Qualification and Remuneration of Deputy Public Prosecutors.

VII. Such Deputy Public Prosecutor shall be a Barrister of not less than *Three Years standing, and shall be paid a Sum, to be fixed by the Clerk of Assize or his Deputy, not exceeding Ten Guineas for any whole Day he may be so employed, and less in proportion for any Part of a Day*, and such Deputy Public Prosecutor shall not be appointed for any longer Period than One whole Day on One particular Case; provided that nothing shall prevent his Re-appointment from Day to Day so long as his Services may be necessary.

Appointment of Assistant Public Prosecutors in Courts of Quarter Sessions.

VIII. In order to provide for the Conduct of Prosecutions in Courts of Quarter Sessions in Counties and Boroughs, be it enacted, That Her Majesty, with the Advice aforesaid, may appoint Barristers of not less than *Five Years* standing, *Five* for Middlesex and Westminster, and *One* for every other County or Sessional Division of a County in England, and *One* for Two Counties in Wales, and *One* for every such Borough or other District as Her Majesty, with the Advice aforesaid, shall order, who shall be called "The Assistant Public Prosecutors," and who shall conduct the Prosecution of all Persons tried for Felonies and Misdemeanors at the said Courts and all Adjournments thereof, and at all Superior Courts having Jurisdiction over such Offences; and not otherwise provided for; *and such Assistant Public Prosecutor shall be paid out of the said Consolidated Fund a fixed annual Sum, to be fixed by the Commissioners of Her Majesty's Treasury, in no Case whatever exceeding Three hundred Pounds, including Travelling Expenses*; and such Assistant Public Prosecutor shall not be removable, except by reason of Misbehaviour or Neglect, or Inability to perform the Duties of his Office, in any of which

which Cases, if the Misconduct or Unfitness be proved to the Satisfaction of the Lord Chancellor, he shall and may remove him; and no such Assistant Public Prosecutor shall be a Revising Barrister, nor One of Her Majesty's Counsel, nor shall he hold any other Place or Office whatsoever under the Crown within the County, Borough, or District for which he is so appointed.

Appointment of Deputy Assistant Public Prosecutors in certain Cases.

IX. Where the Judge presiding in the Criminal Court at the Summer Assizes for any County shall certify that he is informed and believes that the Conduct of Prosecutions at the Quarter Sessions for such County, or for any District or Borough within the same, requires additional Assistance, the Clerk of Assize shall furnish the District Agent herein-after mentioned with the Names of Four Barristers attending at such Sessions, who shall be chosen in rotation as Deputy Assistant Public Prosecutors at the Sessions of the Peace for the Year ensuing, One at each such Quarter Sessions and any Adjournment thereof, *and who shall be paid a Sum not exceeding Five Guineas for any Day so employed.*

X. It shall be lawful for the Majority of Justices at each Petty Sessions to appoint an Attorney-at-Law of not less than Three Years standing to act either separately, or in Cases of Importance in concert with the District Agent herein-after mentioned, for the Purpose of discovering, collecting, and preparing the Evidence, and to perform the Duties of an Attorney for the Prosecution in all Cases arising within the Jurisdiction of such Petty Sessions; and such Person shall be removable at the Pleasure of the Majority of the said Justices, *and shall be paid by a fixed Salary not exceeding Pounds per Annum, to be fixed by Her Majesty's Principal Secretary of State for the Home Department*, and shall not under any Pretence receive any Fee whatever for any Prosecution in which he shall be so concerned as aforesaid, and if he does receive any Fee in such Case shall be guilty of a Misdemeanor.

Appointment of District Agents to act as Attornies for the Prosecution.

XI. It shall be lawful for the Lord Chief Justice of England to appoint for any County, Division, Riding, or any Borough, or such other District as may be thought fit, to be determined by Her Majesty, with the Advice aforesaid, One or more Persons, each of whom shall be an Attorney-at-Law of not less than *Seven Years* standing, or Barrister of not less than Five, to act as District Agent for the Purpose of superintending the Conduct and Management of Prosecutions by the last-mentioned Attornies at Petty Sessions, and, where it may be necessary, in serious and important Cases, of discovering, collecting, and preparing the Evidence, and performing the Duties of an Attorney for the Prosecution, in all Cases arising within

within his District, and who shall be removable from his Office at the Pleasure of the Crown, shall receive no Fees, *and who shall be paid out of the said Consolidated Fund a yearly Salary not exceeding Pounds.*

Duties of District Agents.

XII. The Duties of such District Agent shall be to apply for Warrants; to attend at and conduct the Examination of Witnesses at Police Courts and before Justices of the Peace, when Occasion shall require; to investigate the Evidence relating to any Crime committed within his District; to transmit Copies of all Depositions of Witnesses and Statements of Prisoners, and all other material Information, to the Public Prosecutor for the District; to communicate with and receive Instructions from the Public Prosecutor; to prepare Briefs, and attend at the Trial, and perform all the other Duties of an Attorney for the Prosecution.

Secretary of State to make Rules for Guidance of District Agents.

XIII. For the more efficient Discharge of the Duties of District Agent, it shall be lawful for One of Her Majesty's Principal Secretaries of State from Time to Time to issue Rules and Directions for the Guidance of the District Agents, which Rules shall be binding upon them, and all Justices of the Peace, Stipendiary Magistrates, Clerks to Justices, and Peace Officers, and all other Persons mentioned therein.

Policemen and Constables to give Information to District Agent.

XIV. It shall be the Duty of all Policemen and all Constables, so soon as they shall have reasonable Cause to believe that any Felony or Misdemeanor (such Misdemeanor not being One of those hereinafter excepted) has been committed, to give immediate Information thereof to the District Agent, or the Attorney appointed by the Justices at Petty Sessions.

Magistrate may give Notice to District Agent.

XV. The Justice of the Peace or Magistrate before whom any accused Person is brought may, if he think fit, give Notice to the District Agent to attend the Examination; and it shall be the Duty of such Agent on such Occasions to attend and examine the Witnesses, and argue any Question of Law or Fact that may arise during the Investigation.

Justices, &c. may remand accused in order to take the Opinion of the Public Prosecutor.

XVI. Justices of the Peace and Police Magistrates, before the Discharge or final Committal for Trial of any Person, may, on their own Discretion, in any Case, or at the Request of the District Agent, adjourn the Examination of such accused Person for such a Period as will enable the Opinion of the Public Prosecutor to be taken, in the same Manner as is now practised with reference to Offences relating to the current Coin of the Realm; provided that nothing herein

herein contained shall deprive any such Justice or Police Magistrate of any discretionary Power he now has of discharging or committing for Trial any accused Person, notwithstanding the Opinion or Certificate of the Public Prosecutor to the contrary; but, in the Case of any such Committal for Trial contrary to the Advice of the Public Prosecutor, the District Agent shall not be required to perform any Duty in respect thereof, and no Costs shall be allowed on the Trial in respect thereof, unless the Judge or Chairman of Quarter Sessions or Recorder shall certify that in his Opinion such Prosecution was properly instituted.

Parties may present Bills before Grand Juries as heretofore.

XVII. Provided, That nothing herein-before contained shall extend to prevent any Person, at his or their own Costs and Charges, from preferring a Bill of Indictment before the Grand Jury, in any Cases in which by Law he or they may now do so; provided also, that this Act shall not extend to Prosecutions by Order of Her Majesty's Attorney General, nor to any Prosecutions or Indictments for Common Assaults, for Libels, for Nuisances, or for the stopping up or Nonrepair of Roads, or for Defamation, or to Indictments removed by Certiorari.

Subpœnas may be issued gratis to compel Attendance of Prisoners Witnesses, and Costs allowed, on Certificate from the Judge.

XVIII. And whereas it is expedient to make Provision for securing the Attendance of Witnesses on behalf of accused Persons, in certain Cases: Be it enacted, That it shall be lawful for any accused Person, after he shall be committed or held to Bail for Trial, to apply to the Public Prosecutor, either directly or through the District Agent, stating that he is desirous of compelling certain Witnesses, whose Names and Addresses shall be specified, other than Witnesses merely to the Character of such Prisoner, to appear and give Evidence at the Trial on his Behalf; and thereupon the Public Prosecutor shall certify that such Application has been made to him, and on the Production of such Certificate to the proper Officer in that Behalf Subpœnas shall be issued to the accused Party, free of Expense; and if at the Trial the Court or Judge shall certify that any Person so subpœnaed as aforesaid was in the Opinion of the Court or Judge a material Witness, the Costs of such Witness, not being a Witness to the Character of the Prisoner only, shall be allowed, in the same Manner as of Witnesses attending on behalf of the Prosecution.

Public Prosecutors.

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BILL

To provide for the Appointment of Public Prosecutors and for the Amendment of Criminal Procedure in England and Wales.

(*Prepared and brought in by Mr. John George Phillimore and Mr. Watson.*)

Ordered, by The House of Commons, *to be Printed, February* 20, 1855.

[Bill 26.]

Under 2 oz.

Purchasers Protection against Judgments Bill.

ARRANGEMENT OF CLAUSES.

Preamble recites 1 & 2 Vict. c. 110., 2 & 3 Vict. c. 11., 3 & 4 Vict. c. 82., and 13 and 14 Vict. c. 43. s. 24.

Unregistered Judgments of Common Law Palatinate Courts obtained before 1 & 2 Vict. c. 110. to be registered within limited Time; Sect. 1.

Certain Provisions of 1 & 2 Vict. c. 110. extended to Common Law Palatinate Courts, and to Equity Court of Durham; 2.

Certain Provisions of 2 & 3 Vict. c. 11. and 3 & 4 Vict. c. 22. extended to Common Law and Equity Courts of Counties Palatine; 3.

Protection afforded to Purchasers against Judgments by 3 & 4 Vict. c. 82. extended; 4.

Purchasers protected against Judgments not re-registered; 5.

Provision for Re-registration explained; 6.

Judgments of Inferior Courts, when removed, shall be registered; 7.

Extinguished Judgments not revived; 8.

Duties of Prothonotary; 9.

No Order to affect Lands, &c. until registered; 10.

Legal Estate vested in Purchaser or Mortgagee not to be taken in execution; 11.

Life Annuities and Rentcharges not to affect Lands as to Purchasers, &c. until Memorandum left with Senior Master; 12.

Searches may be made by Parties themselves. [*Proposed to be added in Committee.*]

Exception of Annuities given by Will; 13.

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B I L L

INTITULED

An Act for the better Protection of Purchasers against Judgments, Crown Debts, Cases of Lis pendens, and Life Annuities or Rentcharges.

[Note.—*The Clause and Words printed in Red Ink are proposed to be inserted in Committee.*]

WHEREAS an Act of Parliament was passed in the Session of the First and Second Years of Her Majesty, intituled "An Act for abolishing Arrest on Mesne Process in Civil "Actions, except in certain Cases, for extending the Remedies of "Creditors against the Property of Debtors, and for amending the "Laws for the Relief of Insolvent Debtors in England;" and another Act in the Sesssion of the Second and Third Years of Her Majesty, intituled "An Act for the better Protection of Purchasers against "Judgments, Crown Debts, Lis pendens, and Fiats in Bankruptcy;" and another Act in the Session of the Third and Fourth Years of Her Majesty, intituled "An Act for further amending the Act for "abolishing Arrest on Mesne Process in Civil Actions:" And whereas the Provisions of the said Acts respecting Judgments, Decrees, Orders, and Rules, and Lis pendens, ought to include and be applicable to the Counties Palatine of Lancaster and Durham, and the Common Law and Equity Courts thereof respectively: And whereas an Act was passed in the Session of the Thirteenth and Fourteenth Years of Her Majesty, intituled "An Act to amend the Practice and "Proceedings

Preamble.

1 & 2 Vict. c. 110.

2 & 3 Vict. c. 11.

3 & 4 Vict. c. 82.

13 & 14 Vict. c. 43. s. 24.

" Proceedings of the Court of Chancery of the County Palatine of " Lancaster," by force whereof the said Provisions do to some Extent include and are applicable to the County Palatine of Lancaster, as far as regards the Court of Chancery thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Unregistered Judgments of Common Law Palatinate Courts obtained before 1 & 2 Vict. c. 110. to be registered within limited Time.

I. Any Judgment of the Court of Common Pleas of the County Palatine of Lancaster, or of the Court of Pleas of the County Palatine of Durham, obtained before the coming into operation of the said Act of the Session of the First and Second Years of Her Majesty, and not already registered in the said Courts respectively under the Provisions of the same Act, and which shall not be registered in the said Courts respectively under the same Provisions as amended by this Act, on or before the First Day of November One thousand eight hundred and fifty-five, shall not after that Day affect any Lands, Tenements, or Hereditaments in the said Counties Palatine respectively as to Purchasers, Mortgagees, or Creditors, unless and until such Memorandum or Minute of such Judgment as is in the said Act prescribed shall be left with the Prothonotary of the Court in which the Judgment has been obtained, who shall forthwith enter the same in manner by the same Act as amended by this Act directed in regard to Judgments thereby authorized to be registered, and shall be entitled for every such Entry to the Sum of Two Shillings and Sixpence; and the Provision for Re-registration, toties quoties, herein-after mentioned, as explained by this Act, is hereby extended and applied, mutatis mutandis, to Judgments registered under this present Provision.

Certain Provisions of 1 & 2 Vict. c. 110. extended to Common Law Palatinate Courts, and to Equity Court of Durham.

II. And be it declared and enacted as follows: The Provisions contained in the Sections of the said Act of the First and Second Years of Her Majesty numbered respectively XVIII., XIX., and XX., giving to certain Rules of Courts of Common Law, and Decrees and Orders of Courts of Equity, the Effect of Judgments in the Superior Courts of Common Law, and constituting the Persons therein mentioned Judgment Creditors, and giving to Courts of Equity the Powers by the same Act given to the Judges of the said Superior Courts, and giving to the Persons so constituted Judgment Creditors as aforesaid such Remedies as are therein mentioned, and authorizing the Registration of such Decrees, Orders, and Rules as aforesaid, and providing for the Writs to be sued out of Courts of Equity, shall extend and are applicable, mutatis mutandis, to the said Counties Palatine and the Courts of Common Law thereof respectively, and to the Court of Chancery of the County Palatine of Durham, within the Limits of their respective Jurisdictions, to the end

end that the same Law in the respects aforesaid may apply to the Courts of the said Counties Palatine, and the Decrees, Orders, Judgments, and Rules thereof, so far as relates to Lands, Tenements, and Hereditaments within the Jurisdiction of such Courts respectively, as under the previous Statutes amended by this Act, will regulate the Operation of Judgments in the Superior Courts of Common Law: But no Judgment, Decree, Order, or Rule of any Court shall bind Lands, Tenements, and Hereditaments in the said Counties Palatine respectively, as against Purchasers, Mortgagees, or Creditors, unless and until such Memorandum or Minute thereof as herein-before is mentioned shall be left with the Prothonotary of the Palatine Court in which are situated the Lands, Tenements, and Hereditaments intended to be charged thereby.

Certain Provisions of 2 & 3 Vict. c. 11. and 3 & 4 Vict. c. 82. extended to Common Law and Equity Courts of Counties Palatine.

III. The Provisions contained in the Sections of the said Act of the Second and Third of Her Majesty numbered respectively III., IV., V., and VII., and in the Section of the said Act of the Third and Fourth of Her Majesty numbered II., respecting the Particulars to be inserted in the Register by the Master, and respecting the Re-registration of Judgments, Decrees, or Orders, and Rules, and respecting the Registration and Re-registration of Lis pendens, and respecting the Protection of Purchasers, Mortgagees, and Creditors, as explained or amended by this Act, shall extend and are applicable, mutatis mutandis, to the Counties Palatine and the Courts of Common Law and Courts of Chancery thereof respectively, within the Limits of their respective Jurisdictions.

Protection afforded to Purchasers against Judgments by 3 & 4 Vict. c. 82. extended.

IV. And whereas the Protection afforded to Purchasers, Mortgagees, and Creditors, by the said Act of the Third and Fourth of Her Majesty, against Judgments, Decrees, Orders, or Rules not duly registered, any Notice thereof notwithstanding, is confined to Judgments, Decrees, Orders, or Rules binding by virtue of the said Act of the First and Second Years of Her Majesty: And whereas the Docket or Register previously in use has been closed, and the said Provision ought not to be so restricted: Be it therefore enacted, That no Judgment, Decree, Order, or Rule which might be registered under the said Act of the First and Second Years of Her Majesty shall affect any Lands, Tenements, or Hereditaments, at Law or in Equity, as to Purchasers, Mortgagees, or Creditors, unless and until such a Memorandum or Minute as in the said Act in that Behalf mentioned shall have been left with the proper Officer of the proper Court, any Notice of any such Judgment, Decree, Order, or Rule to any such Purchaser, Mortgagee, or Creditor in anywise notwithstanding.

Purchasers protected against Judgments not re-registered.

V. And whereas it is expedient that certain Doubts which have arisen upon some of the Provisions for the Protection of Purchasers against Judgments in the said Acts contained should be removed: Be it therefore declared and enacted as follows: The Provision contained in the Section numbered II. of the said Act of the Third and Fourth Years of Her Majesty extends and shall be deemed to extend as well to the Act therein referred to as to the Section numbered IV. of the said Act of the Second and Third of Her Majesty, as explained by this Act, so that Notice of any Judgment, Decree, Order, or Rule, not duly re-registered, shall not avail against Purchasers, Mortgagees, or Creditors, as to Lands, Tenements, or Hereditaments.

Provision for Re-registration explained.

VI. Where by the said Act of the Second and Third Years of Her Majesty Re-registry of Judgments, Decrees, Orders, or Rules is required within such Period of Five Years as is therein mentioned, in order to bind Purchasers, Mortgagees, and Creditors, it shall be deemed sufficient to bind such Purchasers, Mortgagees, and Creditors if such a Memorandum or Minute as was required in the first instance is again left with the Senior Master of the Common Pleas within Five Years before the Execution of the Conveyance, Settlement, Mortgage, Lease, or other Deed or Instrument vesting or transferring the legal or equitable Right, Title, Estate, or Interest, in or to any such Purchaser or Mortgagee for valuable Consideration, or as to Creditors within Five Years before the Right of such Creditors accrued, as directed by the said last-mentioned Act, although more than Five Years shall have expired by Effluxion of Time since the last previous Registration before such last-mentioned Memorandum or Minute was left, and so toties quoties upon every Re-registry.

Judgments of Inferior Courts, when removed, shall be registered.

VII. Where by the Section numbered XXII. of the said Act of the First and Second Years of Her Majesty Power is given to remove Judgments, Rules, or Orders obtained in or made by certain Inferior Courts into the said Superior Courts, or into the Court of Common Pleas of Lancaster, as the Case may be, no such Judgment, Rule, or Order which has already been or hereafter shall be so removed shall bind any Lands, Tenements, or Hereditaments as to Purchasers, Mortgagees, or Creditors, unless and until after such Removal it shall be registered, and, if necessary, re-registered, in like Manner as in order to bind such Purchasers, Mortgagees, or Creditors it must have been if originally entered up in One of the said Superior Courts, or in the said Court of Common Pleas of Lancaster, as the Case may be; but from and after the passing of this Act every such Judgment, Rule, or Order so registered, and where necessary re-registered, shall be binding in like Manner, but not further

further or otherwise, as other Judgments, Rules, or Orders of the said Superior Courts or of the said Court of Common Pleas of Lancaster respectively, and the Proviso at the End of the said Section XXII. restricting the Operation of the same is hereby repealed.

Extinguished Judgments not revived.

VIII. Nothing herein contained shall extend to revive or restore any Judgment which shall be extinguished or barred, or to affect or prejudice any such Judgment, or any Decree, Order, or Rule, as between the Parties thereto, or their Representatives, or those deriving as Volunteers under them.

Duties of Prothonotary.

IX. For the Purposes of any Registration or Re-registration to be made in pursuance of this Act in either of the said Counties Palatine, all such Acts and Things as under the Provisions of the said several Acts of the Reign of Her Majesty ought to be done by or left with the Senior Master of the Court of Common Pleas at Westminster shall be done by or left with the Prothonotary or Deputy Prothonotary of the Court of Common Pleas of the County Palatine of Lancaster, or of the Court of Pleas of the County Palatine of Durham, as the Case may require, or such other Officer (if any) of the same Courts respectively as may for the Time being have been appointed by the same Courts respectively, for the Purpose of entering the Judgments thereof respectively, under the Provisions of the said Act of the First and Second Years of Her Majesty; and the said Prothonotary, Deputy Prothonotary, or other Officer as aforesaid shall be entitled to the Sum of Two Shillings and Sixpence, and no more, for the Duties to be performed on every Registration, and the Sum of One Shilling only for Re-registration: and all Persons shall be at liberty to search all or any of the Books kept in pursuance of any of the foregoing Provisions of this Act in each Court, for the Sum of One Shilling.

No Order to affect Lands, &c. until registered.

X. And whereas by the Section numbered CXXIII. of the Bankrupt Law Consolidation Act, 1849, when any Person admits (in manner therein mentioned) that he is indebted to a Bankrupt, it is enacted that every Order of the Court of Bankruptcy for the Payment by such Person of the Amount so admitted, and Costs (if any), shall have the Effect of a Judgment in the said Superior Courts, and may be enforced accordingly, and by the Section numbered CCXLIX. of the same Act it is enacted that the said Court may in all Matters before it award Costs, and that the like Remedies may be had upon an Order of the said Court for Costs as upon a Rule of any of the said Superior Courts for Costs, but the said Act does not direct the Registration of any such Order as aforesaid: Be it therefore enacted as follows: No such Order of the

Court of Bankruptcy for Payment of Money or of Costs as aforesaid shall affect any Lands, Tenements, or Hereditaments as to Purchasers, Mortgagees, or Creditors, unless and until it shall be registered, and if necessary re-registered, in like Manner as in order to bind such Purchasers, Mortgagees, or Creditors it must have been if it had originally been a Judgment or Rule obtained or entered up in one of the said Superior Courts or in the said Palatine Courts respectively, any Notice of any such Order to any such Purchaser, Mortgagee, or Creditor in anywise notwithstanding.

Legal Estate vested in Purchaser or Mortgagee not to be taken in execution.

XI. And whereas great Delay and Expense are occasioned upon Purchases and Mortgages of Lands in consequence of Judgments against Mortgagees and Crown Debts and Liabilities to the Crown of Mortgagees continuing to bind Lands, although the Mortgagees have been bonâ fide paid off, and the Lands have been actually conveyed to Purchasers, or to other Mortgagees: For Remedy whereof, be it enacted as follows: Where any legal or equitable Estate or Interest or any disposing Power in or over any Lands, Tenements, or Hereditaments shall, under any Conveyance or other Instrument executed after the passing of this Act, become vested in any Person as a Purchaser or Mortgagee for valuable Consideration, such Lands, Tenements, or Hereditaments shall not be taken in execution under any Writ of Elegit, or other Writ of Execution, to be sued upon any Judgment, or any Decree, Order, or Rule against any Mortgagee or Mortgagees thereof, who shall have been paid off prior to or at the Time of the Execution of such Conveyance, nor shall any such Judgment, Decree, Order, or Rule, or the Money thereby secured, be a Charge upon such Lands, Tenements, or Hereditaments so vested in Purchasers or Mortgagees, nor shall such Lands, Tenements, or Hereditaments so vested in Purchasers or Mortgagees be extended or taken in execution, or rendered liable under any Writ of Extent or Writ of Execution or other Process issued by or on behalf of Her Majesty, Her Heirs or Successors, in respect of any Judgment, Statute, or Recognizance obtained against or entered into by, or Inquisition found against, or Obligation or Specialty made by, or Acceptance of Office by any Mortgagee or Mortgagees, whereby he or they hath or have become or shall become a Debtor or Accountant, or Debtors or Accountants to the Crown, where such Mortgagee or Mortgagees shall have been paid off prior to or at the Time of the Execution of such Conveyance as aforesaid.

Life Annuities and Rentcharges not to affect Lands as to Purchasers,

XII. And whereas by reason of the Repeal in the last Session of Parliament of the Act of the Fifty-third Year of King George the Third, Chapter One hundred and forty-one, requiring the Enrolment of Life Annuities or Rentcharges, Purchasers are no longer enabled

to

to ascertain by Search what Life Annuities or Rentcharges may have been granted by their Vendors or others: Be it therefore enacted by the Authority aforesaid as follows: Any Annuity or Rentcharge granted after the passing of this Act, otherwise than by Marriage Settlement, for One or more Life or Lives, or for any Term of Years or greater Estate determinable on One or more Life or Lives, shall not affect any Lands, Tenements, or Hereditaments as to Purchasers, Mortgagees, or Creditors, unless and until a Memorandum or Minute containing the Name, and the usual or last known Place of Abode, and the Title, Trade, or Profession of the Person whose Estate is intended to be affected thereby, and the Date of the Deed, Bond, Instrument, or Assurance whereby the Annuity or Rentcharge is granted, and the annual Sum or Sums to be paid, shall be left with the Senior Master of the Court of Common Pleas at Westminster, who shall forthwith enter the Particulars aforesaid in a Book in alphabetical Order by the Name of the Person whose Estate is intended to be affected by the Annuity or Rentcharge, together with the Year and the Day of the Month when every such Memorandum or Minute is so left with him, and he shall be entitled for every such Entry to the Sum of Two Shillings and Sixpence, and all Persons shall be at liberty to search the same Book, together with the other Books or Registers in the Office, on Payment of the Sum of One Shilling.

&c. until Memorandum left with Senior Master.

The Searches of the several Registers, by the said recited Acts or by this Act authorized to be made for the Sum of One Shilling, may be made by the Parties themselves, under proper Regulations in the Office, and the Sum of One Shilling only shall be payable on One Search, although more Names than One shall be searched for where such Names relate to the same Purchase, Mortgage, or other Transaction.

Searches may be made by Parties themselves.

XIII. The Provisions of this Act shall not extend to require the Registry of Annuities or Rentcharges given by Will.

Exception of Annuities given by Will.

Purchasers Protection against Judgments.

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B I L L

INTITULED

An Act for the better Protection of Purchasers against Judgments, Crown Debts, Cases of Lis pendens, and Life Annuities or Rentcharges.

(*Brought from the Lords* 27 *February* 1855.)

Ordered, by The House of Commons, *to be Printed*, 28 *February* 1855.

[Bill 46.]

Under 1 *oz.*